

united states courts
district of columbia circuit

1998 & 1999 report

Chief Judge Harry T. Edwards
Chief Judge Norma Holloway Johnson

Jill C. Sayenga, Circuit Executive

This report was prepared by the Office of the Circuit Executive. Copies are available from the Office of the Circuit Executive, Room 4826, E. Barrett Prettyman United States Courthouse, Washington, D.C. 20001.

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Unless otherwise indicated, all statistics are for the calendar years ending December 31, 1998 and December 31, 1999.

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carrying out the work
of the federal courts

1998 & 1999 — The Years in Review

Milestones

During the past two years, there have been significant changes on both the Court of Appeals and the District Court.

In November 1999, the Court of Appeals lost one of its longest serving active members. After more than 20 years on the court — including five as Chief Judge — the Honorable Patricia M. Wald left to accept a judicial appointment to the war crimes tribunal at The Hague.

On the District Court, two active judges assumed senior status: Judge John Garrett Penn in March 1998 and Judge Stanley Sporkin in February 1999. (Judge Sporkin retired from the court in January 2000.) In addition, two new judges joined the bench. In July 1998, the Honorable Richard W. Roberts took the oath of office, and Judge Ellen Segal Huvelle was appointed to the court in October 1999. Also, Magistrate Judge Alan Kay was reappointed to a second term in September 1999.

Both courts mourned the loss of four highly respected senior colleagues. Circuit Judge Spottswood W. Robinson III died in October 1998. Judge Robinson served on the District Court from 1964 to 1966 and on the Court of Appeals from 1966 until his retirement in 1991. He was Chief Judge of the Court of Appeals from 1981 to 1986. In July 1999, District Judge Oliver Gasch passed away after serving more than 34 years on the court. District Judge Harold H. Greene, who had retired in late 1999 after more than 20 years on the bench, died in January 2000. On February 27, 2000, District Judge Aubrey E. Robinson, Jr., passed away. Judge Robinson was appointed to the District Court in 1966 and served as its Chief Judge from 1982 until 1992.

Changes also occurred among the senior staff of the circuit in 1998 and 1999. Jill Sayenga was elevated from Deputy Circuit Executive to Circuit Executive in January 1998, and Linda Elliott was appointed Deputy Circuit Executive in June 1998.

In August 1998, staff attorney Melissa M. Ryan became the Deputy Director of the Court of Appeals' Legal Division. In November 1999, District Court Clerk's Office employees Joseph Burgess and Angela Caesar-Mobley became Operations Managers after long-time staff member Sharon Moore retired. In addition, Federal Public Defender A.J. Kramer was reappointed to a four-year term in September 1998.

Annex Construction



Chief Judge Edwards discussing the annex
at a courthouse-wide forum

For the past seven years, the courts and the General Services Administration have been developing plans for the construction of an annex and the renovation of the E. Barrett Prettyman U.S. Courthouse. The design is complete, and ground breaking could take place as early as January 2001 — provided Congress authorizes the necessary construction funds.

Built in the late 1940s, the E. Barrett Prettyman U.S. Courthouse is no longer capable of meeting

the courts' security, space and technological needs. As verified by several independent studies, the annex project is the most cost-effective solution to the circuit's current and future space needs. In addition to preparing the courts for the next 30 years, it is the only solution that enables all courts of the circuit and their staffs to remain together in the courthouse, promoting efficient operations and convenient access for the public and bar.

During 1998 and 1999, the courts worked with the architectural team of Graves/SH&G to complete the design process. Michael Graves, the primary architect for the project, is widely recognized as one of the most innovative designers of the late twentieth century. The country's oldest architectural/engineering firm, Smith, Hinchman & Grylls (SH&G), also collaborated on the project. Together, they have designed a structure that promises to be both functional and aesthetically pleasing. Throughout the design process, the courts' primary concern has been that the project result in a functional, cost-effective facility appropriate for modern judicial operations.

With the design complete, the project is ready to move into the construction phase. The only remaining issue at the close of 1999 was whether adequate construction funds would be forthcoming in the fiscal year 2001 budget to bring this badly needed project to fruition.

Advances in Technology

Implementation of state-of-the-art technology aimed at improving court operations continues to be a top priority for the D.C. Circuit. During 1998 and 1999, the courts made advances in establishing new systems that promote efficiency and enable the courts to communicate more effectively with the bar and the public.

In 1999 the Court of Appeals was one of two courts chosen by the Administrative Office of the U.S. Courts to assist in the development of a prototype appellate court case management and electronic filing program. In addition to providing the court with a new case management system, the program will eventually allow case filings to be submitted through the Internet. Subject to court

rules, up-to-the-minute docket information and electronic case documents will also be available to the public via the Internet.

The District Court was also tapped by the Administrative Office to participate in its electronic case management initiative. In 1999 the District Court, along with several other district courts, was selected to test a previously developed version of an electronic case management program for federal trial courts. Implementation should begin sometime in the first half of 2000.

In the meantime, in late 1999, both the Court of Appeals and the District Court installed Public Access to Court Electronic Records (PACER) on their Internet sites. PACER provides the public with a web-based method for obtaining docket information for active cases — a service that will eventually be available through the electronic case management programs.

Other improvements to the Court of Appeals' automation systems included the creation and implementation of a new case tracking and calendaring program; the installation of an updated version of software that allows judges to vote electronically on motions; the creation of a new version of "PACRATS," a comprehensive case management system for chambers; the implementation of a remote access system that enables judges and managers to connect to the court's automated systems from off-site locations; the conversion of internal operating programs to web-based formats; the installation of Realvideo capability on all desktop PCs to facilitate training efforts; and the reorganization of the court's public Internet site into a more user-friendly, searchable format.

For the District Court, the past two years brought a number of technological advances specifically designed to improve services to the public and the bar. Prime among these was the implementation of an Internet site providing electronic access to opinions, rules, court calendars, juror information, and various court publications. The District Court also installed a "fax on demand" phone system allowing users to obtain copies of commonly used court forms. This automated phone service, like its counterpart in the Court of Appeals Clerk's Office, saves litigants time, travel

expenses and mailing costs. In addition, the District Court began faxing copies of orders and notices to attorneys who waived service by mail. Participating counsel receive notice of case action sooner, postage costs are eliminated and processing time is shortened.

In another important initiative, the District Court implemented an automated jury management system. The system allows the Jury Office to maintain a database of all prospective jurors on the court's master wheel. Detailed information obtained from juror qualification questionnaires is scanned into the system enabling the Jury Office to keep more complete records and produce more tailored reports than was previously possible. The new reports save judges and lawyers significant time during jury selection.

The District Court also implemented an automated juror information system. This system allows prospective jurors to obtain individualized reporting instructions by telephone during their two-week term of service. With the new system, a potential juror enters his or her juror identification number and receives a personalized message in seconds. The system also provides a "wake up" call for every juror scheduled to report to the courthouse. Jurors appreciate this feature, and it has significantly reduced the number of individuals who fail to report for service.

Technological innovations also enhanced the internal operating efficiency of the District Court Clerk's Office. A records management system, allowing electronic check-out of case files, and an automated system of delivering calendars and reports to other court employees save time and resources.

Both the Court of Appeals and the District Court upgraded their physical facilities with cutting-edge technology in 1998 and 1999. The District Court installed a second electronic courtroom supplementing the one that went into operation in 1996. The new courtroom offers a variety of second-generation advancements including space-saving, flat-panel displays on all monitors; a touch-activated monitor allowing witnesses to mark electronic exhibits with the touch of a finger; and video-conferencing equipment integrating cameras, elec-

tronic visual-presenters and laptops to enable off-site individuals to participate in conferences and share documents with those in the courtroom.

In 1999 the Court of Appeals created a "smart room" — a high-tech video-conferencing, mediation and training facility. The room has state-of-the-art equipment, including voice-tracking cameras and an electronic overhead projector enabling conference participants to view documents in the



Staff training in the "smartroom"

possession of remote parties. With a smartboard and computers providing access to the court's network, the facility also serves as a classroom. This multi-purpose room has also been designed to accommodate mediation sessions involving multiple parties.

The Judges' Library also benefitted from technological innovation during the past two years. Acquisitions, serial control and cataloging are now handled electronically. In addition, the Library's various card catalogs were replaced by a single, integrated on-line catalog that judges and court staff can access from their desk-top computers. The public may access the catalog via computers located on each floor of the Library.

Management Reforms, Strategic Planning and Other Improvements

Case Load Management

The Court of Appeals continues to process motions and cases in the Legal Division of the Clerk's Office in an expeditious fashion. The Legal Division's Backlog Control Program, formerly known as the Backlog Reduction Program, allows oral presentation of simple motions and appeals to the court. The program saves time by eliminating unnecessary written memoranda. Since the program's inception in 1997, the Legal Division has consistently met the court's self-imposed 60-day turn-around requirement for matters presented both through the backlog control procedures and for matters requiring the preparation of formal memoranda. Notably, in 1999, the average time from the filing or due date of the last pleading to presentation to the court hovered near 30 days.

In 1998 and 1999, the Court of Appeals Clerk's Office successfully managed the filing and presentation of many sensitive, high-profile and sealed matters arising out of several Independent Counsel investigations. Under the direction of the court, the Clerk's Office also undertook a review of sealed records and pleadings in terminated cases to determine suitability for unsealing and retirement to the Federal Records Center.

In 1999 the District Court released a report assessing the impact of practices adopted as part of the 1993 *Civil Justice Expense and Reduction Plan*. Finding that there was little statistical evidence to demonstrate that implementation of the plan had any significant impact on case processing time, the report nevertheless noted that the plan serves as a reminder of the importance of case management and early judicial intervention in reducing unnecessary costs and delay.

Revisions to the Local Rules

On May 6, 1999, the Court of Appeals adopted, on an interim basis, numerous revisions to its local rules. Although there were substantive modifica-

tions to some of the rules, many of the changes simply incorporated the December 1, 1998 amendments to the *Federal Rules of Appellate Procedure*. Attorney Maureen E. Mahoney of Latham & Watkins chaired the court's Advisory Committee on Procedures that drafted the revisions. The interim rules were adopted in final form, effective January 3, 2000. At the same time, the court issued a revised version of its *Handbook of Practice and Internal Procedures*.

The District Court also adopted several substantive amendments to its local rules in 1999. In addition, following the recommendation of the Judicial Conference of the United States, the rules were renumbered to correspond to the *Federal Rules of Practice and Procedure*. John Aldock chaired the District Court's Advisory Committee on Local Rules that drafted the changes.

Copies of both the Court of Appeals and District Court rules can be obtained from the clerk's office of each court, as well as from their respective Internet sites – www.cadc.uscourts.gov (Court of Appeals) and www.dcd.uscourts.gov (District Court).

Improving Juror Services

The District of Columbia Jury Project is a long-term collaborative effort involving the District Court, the District of Columbia Superior Court, the bar and the city's civic community. Under the auspices of this group, a committee was formed in 1996 to review and recommend changes to the federal and local jury systems in the District of Columbia. In 1998 the committee released its report, *Juries for the Year 2000 and Beyond*, which contained 32 recommendations. In addition to being considered by the local courts, many of the suggestions were adopted by other jury improvement efforts throughout the country. The District Court continues to collaborate with the D.C. Jury Project in efforts to educate the public about jury service, broaden the jury pool and improve the quality of life for jurors.

Training Initiatives

In 1998 the District Court Clerk's Office developed a strategic training plan. The plan, which sets out training objectives for each year, is updated annually. Members of the Clerk's Office also attended a day-long off-site conference titled *Communicating and Dealing with People* and participated in *Leadership 2000*, a comprehensive eight-part training program sponsored by the Federal Judicial Center.

In 1999 staff members from the Circuit Executive's Office and the Court of Appeals Clerk's Office participated in a series of training sessions on structuring and implementing performance evaluation systems.

The Bankruptcy Court Clerk's Office held its first off-site training session in November 1998. For two days staff members learned about team building, communication and customer service. The sessions were facilitated by Professor Theodore Curry of the University of Michigan.

In 1998 the Probation Office, together with probation offices in the District of Columbia, Maryland and the Eastern District of Virginia, formed the Coalition Against Domestic Violence. The group's mission is to assist in the fair administration of justice by increasing the sensitivity of probation officers to domestic violence issues. On October 14, 1999, the group sponsored an all-day training forum at the Federal Judicial Center. The forum was attended by various members of the District Court and criminal justice community.

In an innovative initiative aimed at reinvigorating long-time employees, the Probation Office organized *REJUVENATION '99*. Officers and support staff hired prior to 1995 participated in a "swearing in" ceremony. As part of the initiative, the office also conducted its own version of Jeopardy during which teams of staff members competed to answer questions on topics ranging from office policy to courthouse history.

Changing and Improving Operations

Beginning in fiscal year 1999, responsibility for the purchase of books and periodicals for the D.C.

Circuit was shifted from the Administrative Office of the U.S. Courts to the Judges' Library. The Library now manages the acquisition and upkeep of all books for the judges, magistrate judges and court units, as well as for the Federal Public Defender's Office.

As part of its continuing effort to provide the highest quality service to the courts, the community and the offender population, the Probation Office, in 1998, conducted a customer survey of judges and attorneys. Although the office received a great deal of positive feedback, it was also able to identify areas for improvement and has continued to strive for change in those operations. In another effort aimed at increasing efficiency and enhancing accountability, the Probation Office formed "re-engineering work groups" to review the duties and responsibilities of probation officers and support staff involved in investigations and supervision. These groups met periodically throughout 1998 and 1999 to develop specific, detailed performance plans.

Dispute Resolution Programs

The D.C. Circuit is deeply indebted to the dedicated members of the bar who volunteer hundreds of hours each year to mediate many difficult cases for both the Court of Appeals and the District Court. The success of the programs is a direct result of the skillful and untiring efforts of these individuals. The courts also appreciate the willingness of counsel to cooperate with court-appointed mediators in the search for extra-judicial solutions to their clients' cases.

In 1997 the Court of Appeals commissioned a study of its mediation program. The final report was presented to the court in 1999. Chief Judge Edwards shared the findings of this report with the volunteer appellate mediators at a plenary session in November 1999. Although it contained no startling findings, the report did provide a useful vehicle for assessing and fine-tuning the appellate program.

In addition to the session with Chief Judge Edwards, the appellate mediation program also sponsored several training sessions and meetings for volunteers. Notable among these was an Oc-

tober 1999 workshop titled *Diagnosing and Overcoming Barriers to Agreement*, directed by Michael Wheeler, Professor of Management at the Harvard Business School.

The District Court mediation program celebrated its tenth anniversary in September 1999. As of that date, 2,055 cases had been referred to the program. In an innovative effort to extend the benefits of mediation to cases involving pro se litigants, a pilot program was initiated in 1998 in which volunteer attorneys are assigned to represent pro se parties for the purposes of mediation. The District Court program also sponsored a number of training sessions including a two-day seminar in September 1999 for a new class of mediators, a special class on employment law and a discussion session with the court's magistrate judges.

As in past years, program staff participated in various efforts aimed at educating litigants, the bench and the bar about the benefits of mediation. Their endeavors included participation in activities sponsored by the Federal Judicial Center and the District of Columbia Bar, as well as federal government agencies.

D.C. Circuit Historical Society

To commemorate the 2001 bicentennial anniversary of the federal courts in the District of Columbia, the Historical Society of the District of Columbia Circuit has been planning a series of events that will focus on the courts' legacies and contributions to the community and the nation. At the close of 1999, plans included a symposium, the production of an original stage play and an education project aimed at school-aged children in the District of Columbia.

In addition, the Historical Society continues to work toward the publication of a history of the D.C. Circuit by legal historian Jeffrey Morris. The Society hopes to finalize printing arrangements within the year.

The society's Oral History Project also continues to move forward. The 25 completed oral histories of judges, lawyers and others who have played key roles in the circuit's development were

recently listed in a national cataloging database, making them widely available for interlibrary loan. They are also available in the Judges' Library, the Manuscript Reading Room of the Library of Congress, and at the Historical Society of Washington, D.C. Many additional oral histories are currently underway.



Judge Louis F. Oberdorfer, Chair, Daniel M. Gribbon, President, and Linda J. Ferren, Board Member, at a Historical Society Meeting

The Historical Society is led by Daniel M. Gribbon, President, and District Judge Louis F. Oberdorfer, Chair. The Oral History Project has been coordinated since its inception in 1994 by Stephen J. Pollak.

Naturalization Ceremonies

Each month the District Court, together with the Daughters of the American Revolution and the Women's Bar Association, sponsors naturalization ceremonies for new citizens from around the world. Over 2,700 individuals were naturalized in 1998 and 1999. Presided over by judges of the District Court, the ceremonies usually feature an address by a distinguished guest speaker. One of the highlights of 1998 was the November ceremony at which Secretary of State Madeleine Albright reaffirmed her oath of citizenship and addressed the attendees on the fiftieth anniversary of her own naturalization.



Secretary of State Madeleine Albright congratulating new citizens at a naturalization ceremony

Memorial Services

On May 12, 1999, over 300 people attended a memorial ceremony commemorating the life and work of Judge Spottswood W. Robinson III. A remarkable advocate and jurist, Judge Robinson was honored for his steadfast commitment to justice. Judge Robinson, who died in October of 1998, served on the District Court from 1964 to 1966, on the Court of Appeals from 1966 to 1991, and as the Chief Judge of the Circuit from 1981 to 1986. Justice Ruth Bader Ginsburg, Chief Judge Harry T. Edwards, Chief Judge Norma Holloway Johnson, Karen Hastie Williams, Esq., Professor Stephen Carter, and Professor Susan Low Bloch each gave remarks.

The District Court held a special session to honor Judge Oliver Gasch on January 19, 2000. Judge Gasch, who served on the court for 34 years, died in July 1999. The special session, organized by District Court Judge Henry H. Kennedy, Jr., paid tribute to Judge Gasch's many contributions to the legal profession, as well as his distinguished service on the District Court. Speakers included Chief Judge Norma Holloway Johnson, Judge William B. Bryant, Judge James A. Belson, Roger Whelan, Esq., Professor Janet Spragens and Michael Gasch, Esq., Judge Gasch's son.

Courthouse Life

Honoring Courthouse Staff

During the past two years, outstanding employees were honored in a variety of ways for their contributions to the operation of the courts. At its 1998 and 1999 awards ceremonies, the Court of Appeals recognized a number of staff with "Exceptional Accomplishment" awards. Each year the court also honored an outstanding employee of the year and gave "Peer Awards" to individuals selected by the Court of Appeals' staff for special recognition. In both 1998 and 1999, the District Court recognized special achievement in the areas of innovation and change, special acts, and sustained superior performance. At its annual ceremony, the Bankruptcy Court bestowed awards on employees for exceptional performance and distinguished accomplishments. The Probation Office also held annual ceremonies recognizing employees for superior performance and longevity in government service. In addition, the Probation Office gave "instant awards" throughout the year to individuals who persistently excelled in their own work and assisted the efforts of others.

Black History Month

In February of 1998 and 1999, the District Court's Black History Month Committee planned a program of speakers and special events designed to educate and celebrate. Elaborating on the theme *African American Business: Path Toward Empowerment*, the 1998 speakers included: Carroll Gibbs, author, lecturer, and exhibitor of historical artifacts; Roger Blunt of Blunt Enterprises; and Professor Edward C. Smith, Director of American Studies, American University. The program also included a fashion show of original designs by Edith Aninye, as well as a recital by Bankruptcy Court employee Renee Mitchell and the *D.C. Boys' Choir*.

The Honorable Charles H. Ramsey, Chief of Police for the District of Columbia and Professor Peter Edelman of the Georgetown University



*D.C. Boys' Choir performing
at a Black History Month Program*

School of Law were the featured speakers for the 1999 program. The committee also arranged for a return engagement by the *D.C. Boys Choir* and a poetry day featuring *Generation 2000* and *Edwina Boykin*.

Women's History Month

Courthouse employees celebrated Women's History Month in March of 1998 and 1999 with a series of ceremonies and panel discussions. In 1998 Justice Sandra Day O'Connor gave the keynote address at a program honoring pioneering women judges. Honorees included Judge Patricia M. Wald of the Court of Appeals and Judge June L. Green of the District Court. The Honorable Sylvia Bacon also paid posthumous tribute to Judge Burnita Shelton Matthews. Judge Matthews, appointed to the District Court in 1949, was the first woman to sit on the federal trial bench. The women judges of both the Court of Appeals and the District Court participated in a panel discussion entitled *Reflections from the Bench*. And, at a brown bag luncheon, Joanne Neely, Deputy U.S. Marshal, Lettie Matthews, Deputy Chief, U.S. Probation Office, Elizabeth Paret, Chief Deputy of Administration for the District Court Clerk's Office and Diane Sullivan, Assistant U.S. Attorney, addressed the topic, *Groundbreaking Women in the Courthouse*.

In 1999 the Honorable Donna E. Shalala, Secretary of the Department of Health and Human Services, spoke on the topic of women's achievements in the 20th Century. A panel discussion on *The Evolving Role of Women* featured the Honorable Patricia M. Wald, the Honorable Constance A. Morella, D.C. Council Member Carol Schwartz and Barbara Harrison of NBC4 News. Wilma A. Lewis, United States Attorney, Elaine R. Jones, President and Director-Counsel, NAACP Legal



Following a Women's History Month Program, Justice O'Connor and Chief Judge Johnson are joined by Judge (Joyce) Green, Judge Rogers, The Honorable Sylvia Bacon, Judge Wald, Judge Kollar-Kotelly Judge (June) Green and Judge Kessler

Defense & Educational Fund, and Linda D. Rabbitt, President, Rand Construction Corporation, participated in a panel entitled *Breaking the Glass Ceiling*.

Take Our Daughters to Work Day

In 1998 and 1999, the daughters of circuit employees were treated to day-long programs designed to pique their interest in the various jobs associated with the administration of justice. Organized by the District Court Clerk's Office, the 1998 program included a tour of the electronic

courtroom, the viewing of a line-up at police headquarters and tea with the Clerk of the District Court, Nancy Mayer-Whittington, Jennifer Blunt of the Federal Public Defender's Office, and Courtroom Deputy Angela Caesar-Mobley. Participants also served as jurors in the mock trial *District of Columbia v. Ms. Wolf*. In 1999, the girls toured the cell block with U.S. Deputy Marshal Joanne Neely and shared lunch with Sara Delgado, Circuit Architect, Tracy Hauser, Special Assistant to the Circuit Executive, and Carrie Johnson, a reporter for the *Legal Times*.

Tutoring



The annual year-end celebration
at J. O. Wilson

In 1997 Court of Appeals staff organized a tutoring program at J.O. Wilson Elementary School in Southwest Washington. District Court employees joined the program in 1999. Twice a week court staff assist students, one-on-one, with basic arithmetic, reading and writing. More than 35 employees contribute their time twice each month. In addition, court staff have donated supplies, books and games to the children and sponsored an annual year-end celebration.

D.C. Circuit Participation in National Judicial Activities

U.S. Judicial Conference

By statute, the chief policymaking body for the federal judiciary on the national level is the U.S. Judicial Conference. 28 U.S.C. § 331. The Conference, originally known as the Conference of Senior Judges, was established in 1922. Since that time, the Conference has undergone substantial modification in composition and responsibility. Originally, only the chief judge of each circuit participated in the Conference; now one district court judge from each circuit, as well as all circuit chief judges participate. The Conference, which convenes in the spring and fall of each year, is chaired by the Chief Justice of the United States. Chief Judge Harry T. Edwards and Chief Judge Norma Holloway Johnson serve as the D.C. Circuit's representatives.

The Conference oversees all major aspects of national judicial administration. This broad mandate includes responsibility for formulating policy, establishing national standards, developing the federal judiciary's budget for presentation to Congress, evaluating judicial work loads, and recommending and commenting on legislation that affects judicial operations.

Most of the work of the Conference is accomplished by an extensive network of standing and special committees. Federal judges from across the nation serve as members of the committees, and the Administrative Office and the Federal Judicial Center provide staff support. The Chief Justice makes committee appointments for three-year terms. Generally, judges do not serve more than two consecutive terms on any one committee.

As in the past, the D.C. Circuit continued to be well-represented on Conference committees. The following D.C. Circuit judges were serving on Conference committees at the close of 1999:

District Judge James Robertson
Committee on Automation and Technology

Circuit Judge Douglas H. Ginsburg
Committee on the Budget

Circuit Judge Judith W. Rogers
Committee on Codes of Conduct

District Judge Gladys Kessler
Committee on Court Administration and
Case Management

District Judge Emmet G. Sullivan
Committee on Criminal Law

District Judge Henry H. Kennedy, Jr.
Committee on Defender Services

Senior District Judge Stanley S. Harris, Chair
Committee on Intercircuit Assignments

Senior District Judge Joyce Hens Green
Committee on the Judicial Branch

Circuit Judge David S. Tatel
Committee on Judicial Resources

District Judge Paul Friedman
Advisory Committee on Criminal Rules

District Judge Ricardo M. Urbina
Committee on Security and Facilities

d.c. circuit
organization and
administration



E. Barrett Prettyman United States Courthouse, Washington, D.C.

Photograph by Joseph Bailey

The District of Columbia Circuit

The District of Columbia Circuit is composed of three courts: the United States Court of Appeals for the District of Columbia Circuit, the United States District Court for the District of Columbia, and the United States Bankruptcy Court for the District of Columbia. While most federal circuits encompass courts located in several different states, the District of Columbia Circuit is unique in that the judicial officers and staff of all three courts are located in one building — the E. Barrett Prettyman United States Courthouse in Washington, D.C.

Although the individual courts of the circuit operate independently, they are interdependent in many respects. In addition to sharing many common concerns and needs, the courts also share responsibility for a variety of administrative duties. Several entities assist the courts with these circuit-wide issues: the Circuit Judicial Council, the Circuit Judicial Conference, the Office of the Circuit Executive, and the Circuit Library.

The Courts of the Circuit

There are 12 active judgeships on the Court of Appeals. During 1998 and 1999, there was one senior judge on the court. At the close of 1999, there were two vacancies on the Court of Appeals. The first was created when Judge James L. Buckley took senior status in September 1996. The second occurred when Judge Patricia M. Wald stepped down in November 1999 to accept a judicial appointment to the United Nations war crimes tribunal at The Hague.

The District Court has 15 active judgeships. During 1998 and 1999, there were ten senior judges. In addition, there are three authorized magistrate judges and one bankruptcy judge.

There have been four vacancies on the District Court over the course of the past two years. Two have been filled. In 1998 Judge Richard W. Roberts took the oath of office, filling a vacancy created when Judge Charles R. Richey took se-

nior status in 1997. In October 1999, Judge Ellen Segal Huvelle was appointed to fill the vacancy that occurred when Judge John Garrett Penn took senior status in March 1998. The vacancies created when Judge Stanley S. Harris and Judge Stanley Sporkin took senior status in 1996 and 1999 respectively, remain unfilled.

Judge Sporkin retired from senior service in January 2000.

Finally, during the past two years, the circuit has mourned the deaths of four judges. Circuit Judge Spottswood W. Robinson III died in October 1998. He had served more than 25 years on the Court of Appeals — five as the Chief Judge of the Circuit — and also served on the District Court for two years. Judge Oliver Gasch died in July 1999. He had served on the District Court for 34 years. Following 22 years on the District Court bench, Judge Harold H. Greene passed away in January 2000. And, in February 2000, Judge Aubrey E. Robinson, Jr., died after more than 33 years of service on the District Court — ten of them as Chief Judge. The courts were greatly saddened by the passing of these esteemed jurists and valued colleagues.

District of Columbia Circuit Judicial Council

The primary function of the circuit judicial councils is to improve the administration of justice by acting on issues that affect the internal operations of the entire circuit. Each council is empowered by statute to "... make all necessary and appropriate orders for the effective and expeditious administration of justice within its circuit." 28 U.S.C. § 332 (d)(1). Within this broad grant of supervisory power, the councils have two important mandates: formulation of circuit policy and implementation of policy directives received from both the United States Judicial Conference and, in some instances, Congress.

The law provides that each council must consist of the chief judge of the court of appeals and an equal number of appellate and district court judges. The judges in regular active service determine the size of their councils by majority vote, though the councils are free to develop their own procedures with respect to the selection of council members. The chief judge of each circuit serves as the presiding officer of his or her council.

The D.C. Circuit Judicial Council consists of 13 members. Meetings are called at least twice each year, and special meetings are held when necessary. At the close of 1999, the members were:

Chief Circuit Judge Harry T. Edwards

Circuit Judge Laurence H. Silberman

Circuit Judge Stephen F. Williams

Circuit Judge Douglas H. Ginsburg

Circuit Judge Judith W. Rogers

Circuit Judge David S. Tatel

Circuit Judge Merrick B. Garland

Chief District Judge Norma Holloway Johnson

District Judge Thomas F. Hogan

District Judge Paul L. Friedman

District Judge Ricardo M. Urbina

District Judge Colleen Kollar-Kotelly

District Judge Henry H. Kennedy, Jr.

Council Actions in 1998 and 1999

In 1998 and 1999, the Judicial Council of the D.C. Circuit took action on numerous matters affecting circuit operations, including:

- approval of amendments to the Court of Appeal's *Plan to Implement the Criminal Justice Act of 1964* to require appointed counsel to provide a greater degree of specificity in support of their claims for compensation;
- approval of employment dispute resolution plans for Court of Appeals and District Court employees;
- endorsement of several amendments to the District Court's *Jury Selection Plan* to reflect the implementation of new jury management software;
- approval of site and program proposals for the Circuit Judicial Conferences;
- consideration of requests for temporary emergency personnel from judges whose unique caseload requirements necessitated additional temporary assistance;
- adoption of guidelines for approving staff and space for senior circuit judges; and
- approval of the District Court's response to the U.S. Judicial Conference's Biennial Judgeship Needs Survey requesting that vacancies on the District Court be filled.

In fulfillment of its other statutory and governance duties, the council also identified all CJA vouchers pending more than 90 days, monitored the status of judicial misconduct complaints, tracked the status of the annex project, certified senior judges for staff and space, received briefings on security matters affecting the circuit, and monitored expenditures of circuit-wide funds.

District of Columbia Circuit Judicial Conference

The 57th Judicial Conference of the District of Columbia Circuit was held in Williamsburg, Virginia in June 1998. During the two-day conference, the judges and managers of the D.C. Circuit, together with members of the local bar, met to review the business of the courts and to make recommendations for improving the administration of justice within the circuit. Panel discussions focused on some of the challenges faced by the District of Columbia, the impact of these challenges on the work of the circuit, and the role of the legal community in addressing these issues.

In the opening session, Chief Judge Edwards and Chief Judge Johnson summarized recent events on their courts. Following his remarks, Chief Judge Edwards introduced the newest member of the Court of Appeals, Judge Merrick B. Garland, to the assembled judges, attorneys and guests. Chief Judge Johnson introduced the two new members of the District Court, Judges Colleen Kollar-Kotelly and Henry H. Kennedy, Jr., as well as recently appointed Magistrate Judge John M. Facciola. Members of the conference also considered and unanimously passed a resolution increasing the recommended annual commitment of pro bono services per lawyer from 40 to 50 hours and increasing the recommended annual financial contribution (which is an alternative to the time commitment) from \$200 to \$400 per lawyer.

One of the highlights of the five panel presentations that followed was a discussion of the role of District lawyers in promoting the well-being of the city. Among other issues, panelists addressed the potential for achieving positive change through pro bono activities. The panel consisted of Chief Justice William H. Rehnquist and then-D.C. Bar President Carolyn B. Lamm, as well as Myles V. Lynk and the Honorable Stephen J. Pollak – both past presidents of the D.C. Bar. David Luban, Professor of Law and Philosophy at Georgetown Law Center, moderated.

A panel on *The Management, Culture and Resources of the District of Columbia* focused on positive developments within the D.C. Government and offered insights into the operations of the government. The panel consisted of the Honorable John M. Ferren, the Honorable Eric H. Holder, Jr., John Payton, E. Barrett Prettyman, Jr., Daniel A. Rezneck, the Honorable Charles Ruff, Pauline A. Schneider and moderator Professor Roger W. Wilkins.

Focusing on the structure of the District of Columbia government, Professor Wilkins also led then-Mayor Marion Barry, Jr., Dr. Andrew F. Brimmer, Colbert I. King and the Honorable Franklin D. Raines in a discussion addressing, among other topics, the usefulness of consent degrees for eliminating deficiencies in government performance.

The conference also included lively debates on education and law enforcement in the District. The Honorable Eric H. Holder, Jr., Deputy Attorney General of the United States, moderated a panel consisting of Professor Angela Jordan Davis, Stephen D. Harlan, Police Chief Charles H. Ramsey, the Honorable Howard Safir and the Honorable Reggie B. Walton. The education panel, moderated by William L. Taylor, included Arlene Ackerman and General Julius W. Becton, Jr., Superintendent and immediate-past Superintendent of the D.C. Public Schools, as well as Sandra Feldman, Delabian L. Rice-Thurston and Donna L. Wulkan.

Conferees also witnessed well-deserved tributes to two individuals who have added immeasurably to the administration of justice within the circuit. During a presentation marked by a long and very warm standing ovation, Judge William B. Bryant received the Professionalism Award from the American Inns of Court. The award is given annually to one senior lawyer or judge in each circuit whose “life and practice display sterling character and unquestioned integrity, coupled with ongoing dedication to the highest standards of the

legal profession and the rule of law.” In addition, on behalf of the entire circuit, Chief Judge Edwards paid special tribute to Linda J. Ferren for her ten years of exemplary service as Circuit Executive.

Circuit Judge David S. Tatel chaired the Arrangements Committee for the 57th conference. Other members were Circuit Judge Merrick B. Garland; District Judges Thomas F. Hogan, Gladys Kessler, and Emmet G. Sullivan; and attorneys Marcia D. Greenberger, Andrew H. Marks, John Nolan, Richard W. Roberts and Victoria Toensing. The Parliamentarian was Circuit Judge Judith W. Rogers. Circuit Executive Jill C. Sayenga served as Secretary to the conference, and Chief Judges Harry T. Edwards and Norma Holloway Johnson served as *ex officio* members of the committee. The members of the 1998 Judicial Conference Standing Committee on Pro Bono Legal Services were Stephen J. Pollak, Chair, Mary E. Baluss, Susan M. Hoffman, Judith Richards Hope, Myles V. Lynk, Andrew H. Marks, Pauline A. Schneider, Robert N. Weiner and Thomas S. Williamson, Jr.



Judge William B. Bryant receiving the 1998 Professionalism Award from Don Stumbaugh, Executive Director, American Inns of Court



Chief Judge Harry T. Edwards with Circuit Judge David S. Tatel, Conference Arrangements Committee Chair



Chief Justice William H. Rehnquist and Chief Judge Norma Holloway Johnson



Panel Discussion - Lawyer Responsibility and the District of Columbia



Stephen J. Pollak and Linda J. Ferren with
Judges Merrick B. Garland, Colleen Kollar-Kotelly and Henry H. Kennedy, Jr.



Warming up for the Fun Run

Office of the Circuit executive



Jill Sayenga
Circuit Executive

The Office of the Circuit Executive was established in 1971 to provide management assistance to all courts of the circuit. The primary function of the Circuit Executive's Office is to facilitate the administrative operations of the circuit. The Circuit Executive

performs three separate but related roles.

As the Secretary to the Circuit Judicial Council, the Circuit Executive serves as the executive officer of the Council, providing such administrative services as implementing policies, developing programs, organizing and staffing council committees, and performing other duties mandated by Congress or the U.S. Judicial Conference. Under the direction of the Council, the Circuit Executive is also responsible for plan-

ning and organizing circuit judicial conferences.

In addition, the Circuit Executive serves as the administrative and management assistant to the Chief Judge of the Circuit. In this role, the Circuit Executive acts as the principal administrative officer of the circuit, performing a wide range of nonjudicial duties, including the development and administration of alternative dispute resolution programs, space and facilities management, automation planning and development, financial planning and oversight, and inter-office coordination. In addition, the Circuit Executive serves as the Chief Judge's representative and the circuit's liaison to many committees, agencies and organizations involved in circuit activities such as the Historical Society of the District of Columbia Circuit.

Finally, the Circuit Executive is a chief staff officer of the Court of Appeals, responsible for coordinating such nonjudicial aspects of Court of Appeals operations as budget development, planning and oversight; supervision of automation support activities; space planning; and the coordination of special events.

judges' library



Nancy Padgett
Circuit Librarian

The Judges' Library provides a full range of library support services to the circuit's judicial officers and staff. These services include performing research, acquiring reference materials, developing and maintaining the Library's and chambers' collections, procuring law books, periodicals and other reference materials, and providing technical support. Located on the third and fifth floors of the courthouse, the Judges' Library is under the direction of an intercircuit committee composed of Circuit Judge Merrick B. Garland and

Senior District Judge Louis F. Oberdorfer.

The Library's collection includes more than 150,000 books, over 300 periodicals and many large microform sets such as Supreme Court briefs, congressional hearing records and both the *New York Times* and *The Washington Post*. Numerous books and other reference materials are also available on CD-ROMs, which judges and court staff throughout the circuit are able to access on their desktop PCs.

Because the Judges' Library maintains a complete collection of congressional documents, it serves as a primary source for these materials. The Library assists the other federal circuit libraries, as well as many executive branch agencies and private law firm libraries throughout the Washington Metropolitan area, by lending items from this extensive collection.

The Library is open to members of the bar.

United States
Court of Appeals

Report of Chief Judge Harry T. Edwards

My term as Chief Judge will conclude just after the coming 2000-2001 term and before the next Circuit Judicial Conference. Therefore, this is my last report to the Circuit Judicial Conference in my role as Chief Judge. When I sat down to write this report, a task that I normally do not relish, I found myself reflecting on the court's work over the past six years and pondering over what lies ahead. The feelings that were evoked were special, for I carry fond memories and I have high hopes for the future.

I have been lucky during my tenure as Chief Judge, because I have had the good fortune to work with some extraordinary people: my colleagues on the U.S. Court of Appeals for the D.C. Circuit, who have been unfailingly patient and supportive during all of my attempts to revamp court management structures, case-handling processes, and other systems that make the court work; the court's key managers, including, first, Linda Ferren and now Jill Sayenga, Circuit Executives, Linda Elliott, Deputy Circuit Executive, Mark Langer, Clerk of the Court, Marilyn Sargent, Chief Deputy Clerk, Martha Tomich, Director of the Legal Division, Mark Butler, Special Counsel to the Clerk, Nancy Padgett, Librarian, Theresa Santella, Deputy Librarian, and Ellen Finn, Special Assistant to the Chief Judge, who have been brilliant in planning and executing goals to improve the court; an extraordinary court staff that has continuously worked with selfless devotion and with great professionalism to ensure the success of the court's operations; and many talented and thoughtful members of the bar, who have lent their advice to help improve the court's operations and have volunteered their expertise and time to serve as mediators in our Appellate Mediation Program and as members of the court's various advisory committees. I have felt very secure in knowing that the burdens of my administrative and management responsibilities invariably would be lessened because of the contributions of these many able and dedicated people. They always will have my gratitude.

When I assumed the position of Chief Judge, there were a number of goals that the managers and I identified for the court. My priorities during the past six years have been:

- to establish an environment to foster collegial relations among the judges;
- to reorganize work functions within the Clerk's Office to maximize efficiencies in case processing;
- to establish a centralized budget covering all work units to make better use of our appropriated monies;
- to establish a central Automation Unit to serve the entire court;
- to ensure that the court's automation services are "state-of-the-art" and that the court would be ready to enter the world of the Internet in the twenty-first century;
- to encourage good and respectful relations with our colleagues on the District Court;
- to have occasional public fora with the members of the bar to explain court operations and seek recommendations with respect to areas in need of improvement;

- to speed up case disposition times (especially in criminal cases, which lagged for a time) and ensure that all cases heard during a term are decided by the end of the term;
- to change the way that we process motions to ensure that “easy” and “straightforward” motions do not burden the attorneys in the Legal Division and clog our case processing system;
- to continue to assess the need for alternative dispute resolution (“ADR”) programs and improve the court’s existing Appellate Mediation Program; and
- to develop strong training and evaluation programs for all staff functions.

I think that, in almost all of these areas, we have met our objectives.

The court’s work to upgrade its technology and automation systems has been the most visible project that we have undertaken over the past six years, and also the most challenging. Early on, the court, in conjunction with the Administrative Office of the U.S. Courts, implemented programs such as the Appellate Voice Information System (AVIS) and Appellate Bulletin Board System (ABBS) that allow attorneys and parties to gain remote access to docket information and opinions. The interesting automation work, however, has been done in-house by the court’s automation team. We now have a fully networked computer operation, where none was in place in 1995. This allows every unit and chambers to be in complete communication with every other unit and chambers. It also allows judges to have complete access to all of their computer operations via remote dial-ins, so that work can be done if a judge is at home or away on travel. In constructing our automation operation, we have focused on establishing a top-flight staff unit, installation of uniform, state-of-the-art hardware and software applications in every unit and chambers, insistence on tight security rules, and development of detailed and strong training programs.

In recent years, we have developed both Internet and Intranet sites. The latter is the court’s internal library on every aspect of the operation. Every rule, procedure, event, committee, sitting schedule, opinion, etc. is posted on the Intranet. It is our “filing cabinet,” so to speak, so we never worry about losing a piece of paper that explains how we operate, and we no longer worry about the retirement of a long-service employee who alone is familiar with some aspect of court administration. What we do and how we do it is now readily available to everyone via the Intranet. The Internet site, which was revamped in January 2000, serves the same role for the public-at-large, sans information that is confidential to the court. There is a mass of useful data on the Internet, including copies of the court’s opinions, dockets, sitting schedules, forms, etc., and public use of the Internet remains very high.

There have been numerous other technology advances that have changed our work patterns. First and foremost is an application called “TeamTalk.” We use this to allow judges to vote via computer on the more than 1,000 motions that we receive each term. These motions cover matters such as requests for time extensions, petitions for fees, petitions for rehearing, etc. In the past, every judge received the motion and supporting papers, then voted, returned the paper to the Clerk’s Office, and circulated copies to other judges. It was a nightmare trying to keep up with who had voted and when. Now all such votes are done via computer, with an official in the Clerk’s Office serving as the monitor. All votes are time-stamped, so that everyone knows when each judge has voted. Judges may also record comments for consideration by their colleagues. And there is a “tally” section that allows everyone to see how a vote is progressing. Paper reduction has been extraordinary and ease of communications has been facilitated.

Similarly, we have a “PACRATS” program that handles all of our case management. If a judge goes into PACRATS, he or she can easily determine the status of every case on the docket, including date of argument, opinion assignments, disposition, law clerks assigned to work on the case, dissenting opinions, etc. The program also allows the Clerk’s Office to print out myriad reports that allow us to track our cases and determine how long it is taking the court to dispose of cases.

The court recently built a video-conferencing center, which will be used for training programs, mediation sessions, and, maybe, even long-distance interviews with law clerk applicants. The facility is made up of two rooms, divided by a moveable floor-to-ceiling partition that separates the training and conference areas. The video-conferencing equipment is state-of-the-art. A camera tracks voices and automatically focuses on and broadcasts the image of the speaker. Monitors allow participants to see the image they are projecting while watching the image being sent by outside participants. An overhead projector provides a means of broadcasting documents and images on the screen while continuing with the audio portion of the conference.

We have also added automation to the courtroom: each judge and each law clerk has a computer at her or his station, so that the judges can communicate with each other or with their law clerks during argument. We can also access our network drives to search for needed material, or call Westlaw or Lexis to research a case that is the subject of argument.

In the months ahead, the court will introduce CM/ECF (case management/electronic case files), a new case management system developed by the Administrative Office of the U.S. Courts. The D.C. Circuit and Fourth Circuit have been chosen to implement a pilot program that will test the software before it is released to the other courts of appeals across the country. If the software works as we hope, the advantages of CM/ECF will include the availability of electronic filing and service of pleadings over the Internet, full case information at the click of a mouse, automatic e-mail notification of activity in a given case, and a facility for the creation of detailed management reports tailored to the unique needs of each circuit. Under our current timetable, “real” cases should enter the CM/ECF system sometime within the year. However, until proven reliable over an extended period of time, CM/ECF will run concurrently with AIMS, the court’s current case management software. Eventually, however, CM/ECF will replace AIMS entirely. A web site has been created to allow the court to provide information to and to obtain feedback from users of CM/ECF. And, in the late fall or early winter of next term, the court will host a public forum to introduce CM/ECF to the bar. Court staff will demonstrate the capabilities of the new system and conduct basic training on how to use it.

I should note that the CM/ECF system will not eliminate paper filings. Paper filings of all motions and pleadings will still be required, thus ensuring that access to automation equipment does not become a prerequisite to access to the courts. Provisions will also be made to ensure that judges continue to receive hard copies of all filings. Nevertheless, CM/ECF will provide an additional tool for the computer savvy litigant and an important management device for the courts.

There are other, relatively mundane automation devices – such as e-mail, cell phones, voice mail systems, Palm Pilots, fax machines, etc. – that make our daily work routines somewhat easier. However, throughout the entire process of implementing these and other automation techniques at the Court of Appeals, we have never lost sight of the need for strong collegial relations among the members of the court. Thus, not all communications occur through electronic means. Electronic communication has allowed us to “talk” more (and more efficiently) about matters that in the past probably fell through the cracks. It facilitates communi-

cations without diminishing face-to-face interactions. Because communications are now easier, we probably avoid misunderstandings that in the past provoked problems. In any event, there certainly has been no adverse effect on collegiality.

The judges still sit together during oral arguments and during special panel sessions; we confer together after oral arguments; we meet in Judicial Council sessions; we have judges' luncheons with invited guests; we have judges' dinners with our spouses and significant others; we have regular judges' meetings to deal with the business of the court; and we meet informally, as need be, to address unexpected problems. My colleagues on the court are extremely bright and very independent in their thinking. What makes them notable, however, is their firm commitment to serve the ends of justice. Egos and personal ideologies should be irrelevant in case dispositions, and the members of the court work diligently to make sure that this is always so. We work very hard, *with one another in a common mission*, to find answers to the complex issues that lawyers and litigants bring before the court. And when we see things differently in a particular case (a relatively rare occurrence), we are respectful in our deliberations. We invariably learn from one another. There are some legal scholars and other commentators who would have it otherwise, but, as I have attempted to show, their views do not offer an accurate picture of the court. *See* Edwards, *Collegiality and Decision Making on the D.C. Circuit*, 84 VA. L. REV. 1335 (1998). It has been a pleasure for me to work with my colleagues on the court, both because of the respect that I hold for them and also because I know that we share a purpose to serve the public good.

In the months ahead, the court will aim to further improve communications with the members of the bar and public that we serve. In addition to the new CM/ECF program, and the public forum and training that will accompany it, the court has commenced publication of a newsletter, *The Circuit Voice*, for members of the bar. We have no media moguls on our staff, so our publication goals are modest. Mostly, we hope to explain major projects afoot at the court, offer snippets on some of the folks who work at the court, detail major changes in the court's operations or rules, and elicit comments and suggestions from lawyers and litigants who are interested in and affected by our work. Our present goal is to publish *The Circuit Voice* at least twice each term, and we will endeavor to improve the newsletter with each offering.

The court's new Internet site, located at <http://www.cadc.uscourts.gov/> also has been designed to facilitate communications with the public that we serve. To this end, the court recently employed an "online" procedure to allow judges and members of the bar to use the Internet to register for the Circuit Judicial Conference. There are many other features on the Internet site that should be immeasurably useful to the members of the bar who appear before the court.

I am happy to report that, consistent with some of the goals that we set in 1995, the court's case processing systems are running smoothly on every front. Our case filings have been hard to predict in recent years, starting with 1,596 new filings in 1995, then dropping to 1,355 in 1996, then rising to 1,634 in 1998, then falling again to 1,440 in 1999. There is no discernible "trend" in case filings. However, as the following chart shows, the court has made dramatic improvements in most of its case disposition times since 1995:

Category	1995	1999
Average time from filing to oral argument (lead cases)*	468 days	352 days
Average time from oral argument to disposition (lead cases)**	65 days	76 days
Average time from filing to disposition (all cases)†	430 days	412 days
Average time from filing to disposition (all criminal cases)†	608 days	238 days
Number of pending cases	2,091	1,247
Average number of pending lead cases in the Legal Division	337 (in 1996)	153
Average age of lead cases in the Legal Division	239 days (in 1996)	148 days
Average age of all pending cases (including cases “held in abeyance”)‡	471 days	400 days
Average age of all pending criminal cases (including cases “held in abeyance”)‡	338 days	205 days

* Figures represent lead cases argued in the calendar year indicated.

** Figures represent argued lead cases terminated in calendar year indicated.

† Figures represent cases terminated in calendar year indicated.

‡ Cases pending as of December 31 of calendar year indicated.

The court now has a firm rule in place that, save for some unusual circumstance, any case that is heard during a term will be decided in the same term. It is rare that the court will carry over an unresolved case from one term to the next.

And, as I have reported in the past, very few dispositions of the court involve dissenting opinions or, as the press would have it, “ideologically split” panels:

Category	1995	1996	1997	1998	1999
% of all cases that included a full or partial dissent	2.4% (29 dissents out of 1,226 dispositions)	2.9% (36 dissents out of 1,247 dispositions)	2.2% (29 dissents out of 1,298 dispositions)	2.1% (25 dissents out of 1,189 dispositions)	1.8% (22 dissents out of 1,253 dispositions)
% of published opinions that included a full or partial dissent	10.3% (29 dissents out of 281 opinions)	12.1% (36 dissents out of 298 opinions)	10.9% (29 dissents out of 265 opinions)	9.1% (25 dissents out of 274 opinions)	8.9% (22 dissents out of 247 opinions)
Number of "ideologically split panels," <i>i.e.</i> , panels on which the dissenting judge and the judges in the majority were appointed by Presidents from different political parties	15 (out of a total of 29 opinions in which a dissent was registered)	22 (out of a total of 36 opinions in which a dissent was registered)	10 (out of a total of 29 opinions in which a dissent was registered)	10 (out of a total of 25 opinions in which a dissent was registered)	9 (out of a total of 22 opinions in which a dissent was registered)

The Court of Appeals has seen a number of significant changes during the past two years, *i.e.*, since my last report to the Circuit Judicial Conference. In November 1999, after more than 20 years on the bench, Judge Patricia M. Wald left the court to accept an appointment to the war crimes tribunal at The Hague. Later this year, at the end of the current term, Senior Judge James Buckley will retire after nearly 15 years on the court. Both Judge Wald and Judge Buckley were sterling members of the court and they will be sorely missed.

The Court of Appeals, the legal community, and the nation suffered a grievous loss when retired Judge Spottswood W. Robinson III passed away on October 11, 1998. Judge Robinson was appointed to the United States District Court for the District of Columbia in 1964 and to the Court of Appeals in 1966, where he served with distinction until 1991, serving as Chief Judge of the Court of Appeals from 1981 to 1986. A memorial ceremony was held at the court on May 12, 1999, to celebrate Judge Robinson's life and work. Emceed by Karen Hastie Williams, a former Robinson law clerk, the speakers included Justice Ruth Bader Ginsburg, Professors Stephen L. Carter and Susan Low Bloch (both former law clerks as well), and the Chief Judges of the Court of Appeals and District Court. The many and varied guests were a testament to the depth and breadth of Judge Robinson's legacy.

At the start of the 2000-2001 term, the Court of Appeals will include ten active judges (Chief Judge Edwards, Judge Silberman, Judge Williams, Judge Ginsburg, Judge Sentelle, Judge Henderson, Judge Randolph, Judge Rogers, Judge Tatel, and Judge Garland) and no senior judges. Judge Silberman will be eligible for senior status in October 2000. Should Judge Silberman elect to leave active status and if no new appointments are confirmed by the Senate, the court will be at its lowest number of full-time judges, nine, since 1989, when there were nine active judges on the court for a brief period of two months.

In recent years, the judicial branch has faced heightened scrutiny in Congress. One recurring issue has focused on judicial appointments, with some members of the Senate questioning whether and to what extent new judges should be appointed to the various circuit courts. Traditionally, in order to support requests for new judgeship positions, the United States Judicial Conference has employed a simple formula that measures judgeship needs by reference to the numbers of cases filed in a circuit. The formula has never made much sense when applied to the D.C. Circuit, because the court's caseload, which is heavily laden with large administrative appeals, is so unlike other circuits. In an effort to address this problem, the Judicial Conference directed the Federal Judicial Center to conduct a study of the D.C. Circuit's caseload to determine factors in the court's work that could be used to establish guidelines for the assessment of judgeship needs.

The results of the FJC study were interesting, but not surprising. It is well known that the D.C. Circuit hears an unusually large number of administrative cases – in 1997, for example, administrative appeals accounted for 46.3% of the D.C. Circuit's caseload, while the proportion in other circuits ranged from 14.5% in the Ninth Circuit to 3.7% in the Eighth Circuit. The study was illuminating, however, in showing that more than 70% of the D.C. Circuit's agency cases came from the Environmental Protection Agency (EPA), Federal Energy Regulatory Commission (FERC), and Federal Communications Commission (FCC). The cases from these three agencies (as compared with other agency cases) tend to involve the weightiest records and the most complex and technically difficult issues. The proportion of agency cases from the EPA, FERC, and FCC in the circuits with the next heaviest agency caseloads was 1% in the Ninth Circuit, 7% in the Second Circuit, and 2% in the Fourth Circuit. By contrast, in the Ninth Circuit, which had the second highest agency caseload, 92% of the agency cases came from the Immigration and Naturalization Service (INS), Internal Revenue Service (IRS), and Benefits Review Board (BRB) – typically straightforward cases that involve well-developed bodies of law, few parties, and largely factual disputes.

The FJC study thus concluded that, not only do other circuits hear fewer agency cases than are heard in the D.C. Circuit, but that the agency cases heard in other circuits generally are not the difficult agency cases that are a staple in the D.C. Circuit. In addition, it was determined that the D.C. Circuit hears far fewer criminal and diversity cases than are heard in other circuits. This is significant because these cases generally tend to require fewer judicial resources than most other cases. Finally, the FJC report confirmed that the

D.C. Circuit hears an unusually large number of high-profile cases presenting difficult issues of national import. Based on these findings, the FJC's report to the Judicial Conference suggested that any filing-based formula for judgeship needs should include an adjustment for the D.C. Circuit to take account of the court's unique case mix.

Another major project that was recently concluded was the publication of a *Chief Judge's Manual*. The *Manual*, which is an internal working document, comprehensively details the policies and practices governing court operations and the Chief Judge's duties. For the first time, we have created a single document that captures both formal and informal management policies and practices at the court. The *Manual* should serve as a useful resource for Chief Judges and court managers in the years ahead.

The largest project for the court in the immediate future will be the construction of the "annex" to the E. Barrett Prettyman United States Courthouse, including renovation of the existing building. Architect Michael Graves has produced an extraordinary design that will meet the functional needs of the courts while complementing the existing architecture on Pennsylvania and Constitution Avenues. If Congress approves the necessary appropriations, construction will commence in January 2001. Funds for construction remain an issue, however. In any event, it is anticipated that construction of the annex will take approximately three years and that renovation of the existing building will take an additional three years.

The annex will be a stunning marker of justice in our Nation's Capital. It will be a constant reminder to the judges and staff, and to the lawyers and litigants who we serve, of the important role of our courts over the past 200 years of American history. The timely commencement of the annex construction would lend great tribute and dignity to the courts' bicentennial celebration in 2001.

Harry T. Edwards
Chief Judge
United States Court of Appeals

United States Court of Appeals for the District of Columbia Circuit

HARRY T. EDWARDS



Chief Judge Edwards was appointed to the U.S. Court of Appeals in February 1980 and became Chief Judge on September 15, 1994. He graduated from Cornell University in 1962 and the University of Michigan Law School in 1965. Judge Edwards practiced law in Chicago from 1965 to 1970. He was then a tenured member of the faculties at the University of Michigan Law School, where he taught from 1970 to 1975 and 1977 to 1980, and at Harvard Law School, where he taught from 1975 to 1977. He also taught at the Harvard Institute for Educational Management between 1976 and 1982. He served as a member and then Chairman of the Board of Directors of AMTRAK from 1978 to 1980, and also served as a neutral labor arbitrator under a number of major collective bargaining agreements during the 1970s. Chief Judge Edwards has co-authored four books and published scores of law review articles on labor law, higher education law, federal courts, legal education, professionalism, and judicial administration. Since joining the court, he has taught law at Harvard, Michigan, Duke, Pennsylvania, Georgetown, and, most recently, NYU Law School.

LAURENCE H. SILBERMAN



Judge Silberman was appointed United States Circuit Judge in October 1985. He graduated from Dartmouth College in 1957 and Harvard Law School in 1961. He has been a partner in law firms in Honolulu and Washington, D.C., as well as a banker in San Francisco. He served in government as an attorney in the NLRB's appellate section, Solicitor of the Department of Labor from 1969 to 1970, Undersecretary of Labor from 1970 to 1973, Deputy Attorney General of the United States from 1974 to 1975, and Ambassador to Yugoslavia from 1975 to 1977. From 1981 to 1985, he served as a member of the General Advisory Committee on Arms Control and Disarmament and the Department of Defense Policy Board. He was an Adjunct Professor of Administrative Law at Georgetown University Law Center from 1987 to 1994 and in 1997 and 1999, at NYU from 1995 to 1996, at Harvard in 1998; and he will be teaching in the spring at Georgetown.

STEPHEN F. WILLIAMS



Judge Williams was appointed to the United States Court of Appeals in June 1986. He graduated from Yale College (B.A. 1958) and from Harvard Law School (J.D. 1961). Judge Williams was engaged in private practice from 1962 to 1966 and became an Assistant U.S. Attorney for the Southern District of New York in 1966. From 1969 until his appointment to the bench, Judge Williams taught at the University of Colorado School of Law. During this time, he also served as a Visiting Professor of Law at UCLA, University of Chicago Law School, and Southern Methodist University and was a consultant to the Administrative Conference of the United States and the Federal Trade Commission.

DOUGLAS H. GINSBURG



Judge Ginsburg was appointed to the United States Court of Appeals in October 1986. He was graduated from Cornell University (B.S. 1970) and from the University of Chicago Law School (J.D. 1973). Following law school, he clerked for Judge Carl McGowan of the U.S. Court of Appeals for the D.C. Circuit and for U.S. Supreme Court Justice Thurgood Marshall. From 1975 to 1983, he was a professor at Harvard Law School. He then served as Deputy Assistant Attorney General for Regulatory Affairs, Antitrust Division, U.S. Department of Justice, from 1983 to 1984; Administrator, Information and Regulatory Affairs, OMB, from 1984 to 1985; and Assistant Attorney General, Antitrust Division, U.S. Department of Justice, from 1985 to 1986.

DAVID B. SENTELLE



Judge Sentelle was appointed United States Circuit Judge in October 1987. He is a 1968 graduate of the University of North Carolina Law School. Following law school, he practiced with the firm of Ussell & Dumont until he became an Assistant U.S. Attorney in Charlotte, N.C. in 1970. From 1974 to 1977, he served as a North Carolina State District Judge but left the bench in 1977 to become a partner with the firm of Tucker, Hicks, Sentelle, Moon & Hodge. In 1985, Judge Sentelle joined the U.S. District Court, Western District of North Carolina, in Asheville, where he served until his appointment to the D.C. Circuit. Judge Sentelle is the Presiding Judge of the Special Division for the Purpose of Appointing Independent Counsels (1992-present). Judge Sentelle serves as President of the Edward Bennett Williams Inn of the American Inns of Court.

KAREN LECRAFT HENDERSON

Judge Henderson was appointed United States Circuit Judge in July 1990. She received her undergraduate degree from Duke University and her law degree from the University of North Carolina. Following law school, she was in private practice in Chapel Hill, North Carolina. From 1973 to 1983, she was with the Office of the South Carolina Attorney General, ultimately in the position of Deputy Attorney General. In 1983, she returned to private practice as a member of the firm of Sinkler, Gibbs & Simons of Charleston and Columbia, South Carolina. In June 1986, Judge Henderson was appointed United States District Judge for the District of South Carolina where she served until her appointment to the D.C. Circuit.

A. RAYMOND RANDOLPH



Judge Randolph was appointed United States Circuit Judge in July 1990. He is a graduate of Drexel University (1966) and the University of Pennsylvania Law School (*summa cum laude* 1969). After clerking for Judge Henry J. Friendly of the U.S. Court of Appeals for the Second Circuit, Judge Randolph served as an Assistant to the U.S. Solicitor General from 1970 to 1973, and, from 1975 to 1977, as a Deputy Solicitor General. From 1979 to 1980, Judge Randolph was Special Counsel to the Ethics Committee of the U.S. House of Representatives. He has also served as Special Assistant Attorney General for Utah, Montana, and New Mexico. Prior to his appointment to the bench, he was a partner with the firm of Pepper, Hamilton & Scheetz. Judge Randolph has taught courses in civil procedure and injunctions at Georgetown University Law Center and is a Distinguished Professor of Law at George Mason Law School, teaching advanced constitutional law. He served on the U.S. Judicial Conference's Codes of Conduct Committee as a member (1992-1995) and as chairman (1995-1998).

JUDITH W. ROGERS



Judge Rogers was appointed to the United States Court of Appeals in March 1994. She is a graduate of Radcliffe College and Harvard Law School and has a Master of Laws degree from the University of Virginia Law School. She has served as an Assistant U.S. Attorney for the District of Columbia and as a trial attorney in the U.S. Department of Justice. In the Office of the U.S. Deputy Attorney General, she worked on the D.C. Court Reform and Criminal Procedure Act of 1970. She was also General Counsel to the congressional commission on the organization of the District government and, thereafter, Special Assistant to the Mayor for federal and District of Columbia legislation. She was appointed Corporation Counsel for the District of Columbia in 1979. In 1983, she was appointed Associate Judge of the D.C. Court of Appeals and served as Chief Judge from 1988 until her appointment to the D.C. Circuit.

DAVID S. TATEL



Judge Tatel was appointed to the United States Court of Appeals in October 1994. He graduated from the University of Michigan in 1963 and the University of Chicago Law School in 1966. Following law school, he taught for a year at the University of Michigan Law School and then went into private practice with the firm of Sidley & Austin in Chicago. From 1969 to 1970, he served as Director of the Chicago Lawyers' Committee for Civil Rights Under Law, then returned to Sidley & Austin until 1972, when he became Director of the National Lawyers' Committee for Civil Rights Under Law in Washington, D.C. From 1974 to 1977, he returned to private practice as associate and partner with Hogan & Hartson, where he headed the firm's Community Services Department. He also served as General Counsel for the newly created Legal Services Corporation from 1975 to 1976. In 1977, Judge Tatel became the Director of the Office for Civil Rights, U.S. Department of Health, Education and Welfare. He returned to Hogan & Hartson in 1979, where he headed the firm's education group until his appointment to the D.C. Circuit.

MERRICK B. GARLAND



Judge Garland was appointed to the United States Court of Appeals in April 1997. He graduated from Harvard College (*summa cum laude*) in 1974 and Harvard Law School (*magna cum laude*) in 1977. Following graduation, he served as law clerk to Judge Henry J. Friendly of the U.S. Court of Appeals for the Second Circuit and to U.S. Supreme Court Justice William J. Brennan, Jr. From 1979 to 1981, he was Special Assistant to the Attorney General of the United States. He then joined the law firm of Arnold & Porter, where he was a partner from 1985 to 1989 and from 1992 to 1993. He served as an Assistant U.S. Attorney for the District of Columbia from 1989 to 1992, and as Deputy Assistant Attorney General in the Criminal Division of the U.S. Department of Justice from 1993 to 1994. From 1994 until his appointment as U.S. Circuit Judge, Judge Garland served as Principal Associate Deputy Attorney General, where his responsibilities included the supervision of the Oklahoma City bombing and UNABOM prosecutions. He has taught antitrust law at Harvard Law School and has served as co-chair of the administrative law section of the District of Columbia Bar.

Senior Judge

JAMES L. BUCKLEY



Judge Buckley was appointed United States Circuit Judge in December 1985 and took senior status in September 1996. He graduated from Yale College, receiving a B.A. in 1943, and from Yale Law School, receiving an LL.B. in 1949. Judge Buckley was engaged in private practice from 1949 until 1958 when he became an Officer and Director of The Catawba Corporation. From 1971 to 1977, he served as a United States Senator. In 1977, he was engaged in private sector activities, but reentered government service as Undersecretary for Security Assistance, U.S. State Department in 1981. From 1982 to 1985, Judge Buckley was President of Radio Free Europe/Radio Liberty.

Office of the Clerk of the Court of Appeals



Mark Langer
Clerk of Court

general public. It also provides statistical, financial, personnel, property, procurement and internal mail services to the court. In addition, the Clerk is responsible for processing complaints of judicial misconduct or disability and for servicing the court's Special Division for the Appointment of Independent

The Clerk's Office is responsible for managing the caseload of the court, processing all case-related documents, maintaining court records, and serving as central legal staff of the Court of Appeals. The Office serves as the court's liaison with attorneys, litigants, and the gen-

Counsels.

After a major reorganization in 1995, the Clerk's Office was divided into three divisions: Administrative, Operations, and Legal. The Administrative Division is responsible for such support functions as courtroom services, personnel, records management, procurement, facility management, financial administration, and mail services. The Operations Division handles all case processing functions, the scheduling of the court's calendar, intake, attorney admissions, and issuance of opinions. The Legal Division, formerly the Office of the Chief Staff Counsel, has three primary areas of responsibility: making recommendations and preparing dispositions in contested motions and emergency matters, screening and classifying new appeals, and making recommendations in Circuit Rule 34(j) cases. The Legal Division also screens cases for inclusion in the Appellate Mediation Program and assists with the management of complex cases under the 1986 Case Management Plan and civil cases designated for treatment under the 1978 Civil Appeals Management Plan.

U.S. Court of Appeals Advisory Committees

The United States Court of Appeals relies on its advisory committees for assistance in carrying out certain administrative tasks and for expert advice on issues that affect attorneys practicing before the court.

Advisory Committee on Procedures

The Advisory Committee on Procedures was established by the Judicial Council for the District of Columbia Circuit in June 1976 in response to recommendations made by the Commission on Review of the Federal Court of Appeals System, also known as the Hruska Commission. Since 1982, the Court of Appeals has been the appointing authority for the committee. The committee was one of the first of its kind in the nation.

In accordance with 28 U.S.C. § 2077(b), the committee is charged with studying the rules and internal operating procedures of the Court of Appeals and making recommendations to the court on possible improvements. The committee is specifically authorized to develop and implement projects and studies on matters affecting the administration of justice in the circuit, either at the request of the court or on its own initiative. The Advisory Committee on Procedures also serves as liaison between the court and the bar.

The committee consists of 15 members of the bar. The court has endeavored to appoint committee members who represent various interests within the bar. The current members of the Advisory Committee on Procedures are:

Maureen E. Mahoney, Chair

John R. Fisher

William Kanter

A.J. Kramer

Stephen C. Leckar

Katherine Anne Meyer

Gerald P. Norton

William Bradford Reynolds

Michael E. Rosman

Clifford M. Sloan

Patty Merkamp Stemler

Barbara S. Wahl

Jennifer N. Waters

Christopher J. Wright

Joseph A. Yablonski

Judge A. Raymond Randolph, Liaison

Advisory Committee on Admissions and Grievances

The Advisory Committee on Admissions and Grievances assists the court with two of its most difficult administrative tasks: acting on applications for admission to the court's bar and acting on complaints of attorney misconduct or neglect. The court may refer to the committee any accusation or suggestion of misconduct or neglect by any member of the bar of the court with respect to a professional matter. The committee may conduct an investigation, hold a hearing, and report on the matter as the court deems advisable. In addition, the committee investigates and recommends action on problems that arise in connection with applications for admission to the court's bar. The current members of the Advisory Committee on Admissions and Grievances are:

Hamilton P. Fox III, Chair

Christopher M. Curran

William L. Gardner

Richard J. Leon

Neil I. Levy

Steven M. Umin

Judge Judith W. Rogers, Liaison

Criminal Justice Act Panel Committee

The Criminal Justice Act (CJA) Panel Committee, established in 1991 pursuant to 18 U.S.C. § 3006(a), compiles the list of attorneys eligible to receive CJA appointments by periodically receiving and evaluating applications from interested counsel. The committee also conducts an annual review and evaluation of the CJA Plan and recommends any changes deemed necessary. The committee consists of two active circuit judges, the Federal Public Defender and two private attorneys experienced in criminal law, one of whom is on the CJA appointments list. The current members of the CJA Panel Committee are:

Judge Stephen F. Williams, Chair

Judge David B. Sentelle

Barry Coburn

A. J. Kramer

Elizabeth G. Taylor

Task Force on Electronic Filing

The Task Force on Electronic Filing was established in December 1997 to study the issue of electronic filing and to recommend to the court any rules necessary to permit, encourage or require electronic filing of motions, briefs, records or other documents. The task force consists of members of the court's staff, along with attorneys from private law firms, non-profit organizations, regulatory agencies, the Department of Justice and the Federal Public Defender. The current members of the Task Force on Electronic Filing are:

Douglas N. Letter, Chair

Kenneth C. Bass III

Susan J. Court

Mark L. Evans

Kenneth S. Geller

Jack N. Goodman

Tracy C. Hauser

Steven S. Kaplan

A.J. Kramer

Mark J. Langer

John M. Nannes

C. Grey Pash, Jr.

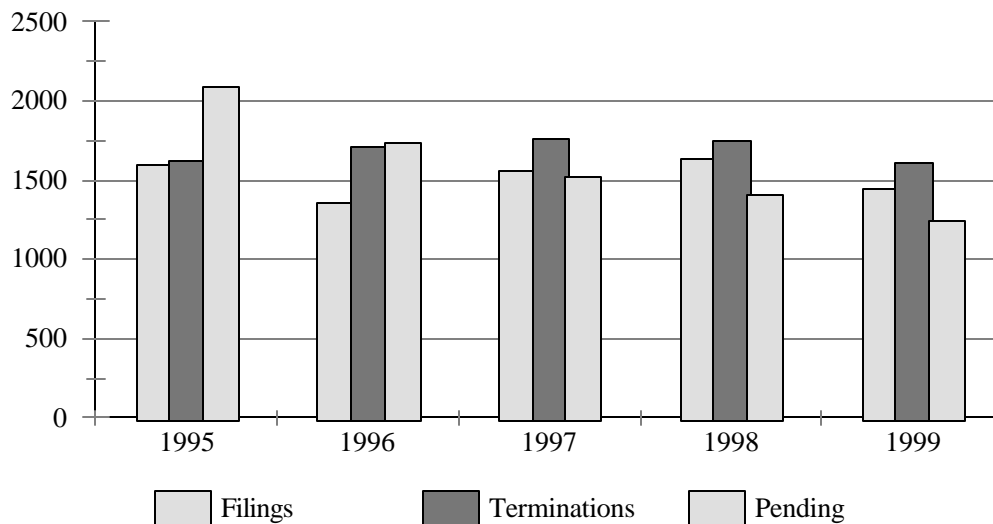
U.S. Court of Appeals Work load Information

Case filings rose significantly in 1998. This was despite a drop in the number of new agency cases from 720 in 1997 to 614 in 1998. A sharp jump in appeals involving the United States, from 354 in 1997 to 573 in 1998, accounted for the entire increase. In 1999 the number of new appeals involving the United States fell to 396 and the number of new agency cases declined to 533, resulting in the lowest number of total new cases since 1996. Terminations during the last two years continue to outpace new filings, leading to a total of only 1,247 cases pending at the end of 1999, the lowest figure since 1977 when the court finished the year with 1,145 pending cases.

Case load Summary 1997-1999

	1997	1998	Change	1999	Change
Filings	1554	1634	5%	1440	-12%
Terminations	1764	1745	-1%	1605	-8%
Pending	1527	1411	-8%	1247	-12%

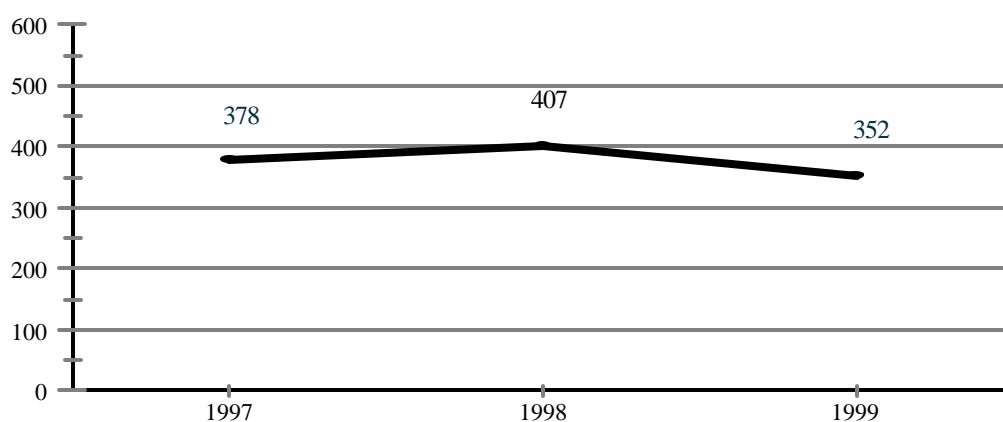
Case load Summary 1995-1999



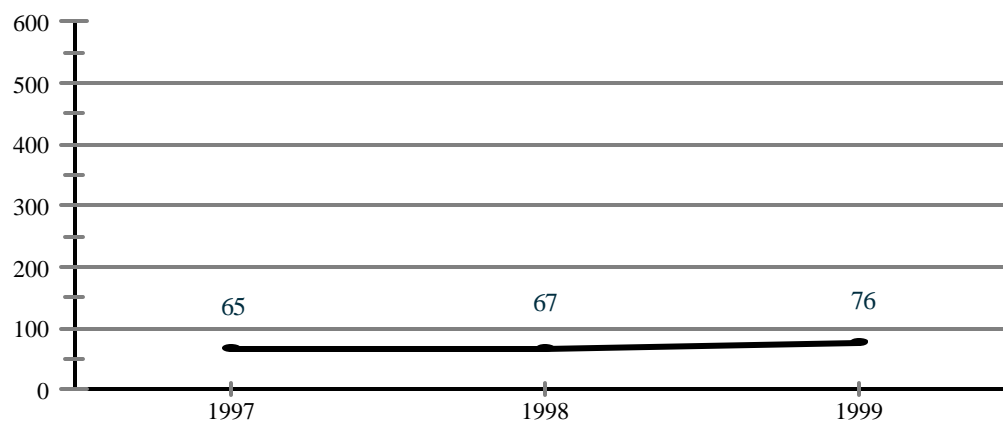
Average lead Case Processing Time (days) 1997-1999

During the last two years, there were no notable changes in average case processing times from filing to argument or from argument to disposition.

Filing to Argument*



Argument to Disposition**



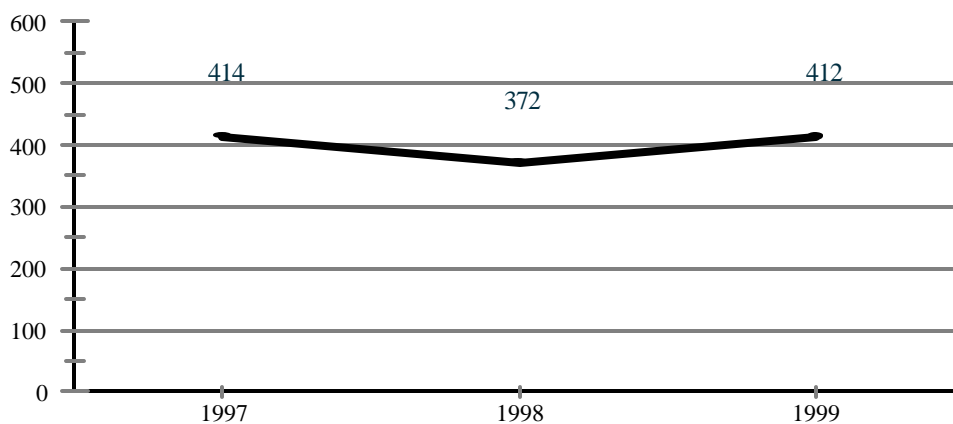
* Figures represent lead cases argued in calendar year indicated.

**Figures represent argued lead cases terminated in calendar year indicated.

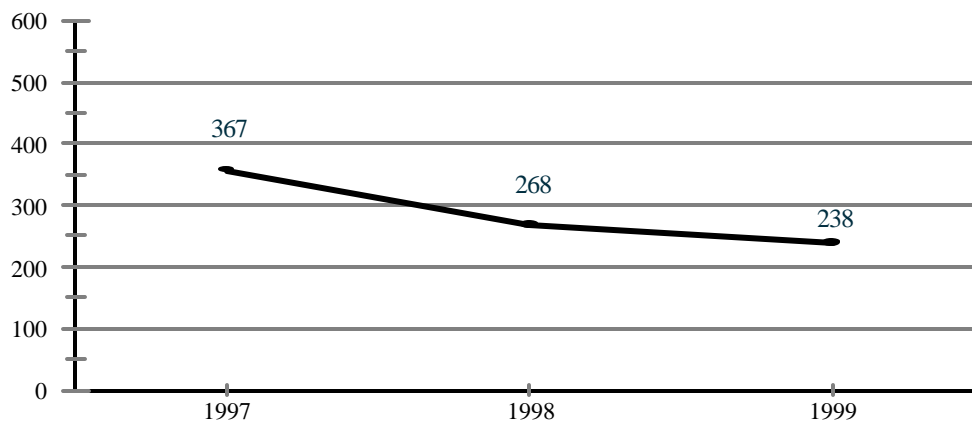
Average Time from Filing to Disposition (days) 1997-1999

The average time from the filing of a new case to disposition has remained fairly constant. However, the court has continued its dramatic improvement in processing criminal appeals. In 1995, the average time from the filing of a criminal case to its disposition was 608 days. This number has declined significantly every year since then and now stands at 238 days.

all cases*

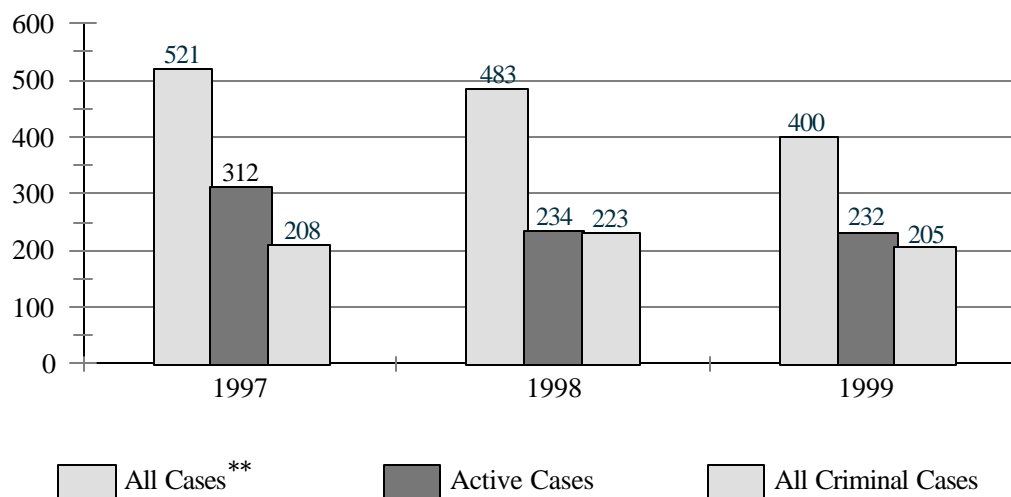


ALL criminal cases*



* Figures represent cases terminated in calendar year indicated.

Average Age of Pending Cases (days)* 1997-1999



* Cases pending as of December 31 of the calendar year indicated.

**Includes cases held in abeyance.

The statistics continue to demonstrate that the overwhelming percentage of the court's decisions, both published and unpublished, are unanimous.

	1997	1998	1999
Percentage of all dispositions that include full or partial dissent (lead cases only)	2.2% (29 dissents out of 1298 dispositions)	2.1% (25 dissents out of 1189 dispositions)	1.8% (22 dissents out of 1253 dispositions)
Percentage of published opinions that include full or partial dissent (lead cases only)	10.9 % (29 dissents out of 265 opinions)	9.1% (25 dissents out of 274 opinions)	8.9% (22 dissents out of 247 opinions)

There has been little change with respect to the percentage of reversals and/or remands over the past two years or to the percentage of dispositions that result in a published opinion.

	1997	1998	1999
Percentage of reversals and remands of all lead case dispositions terminated on the merits	14.6 % (104 reversals and remands out of 710 terminations)	14.1% (93 reversals and remands out of 659 terminations)	13.5% (91 reversals and remands out of 672 terminations)
Percentage of decisions published for all lead case dispositions terminated on the merits	37.6 % (267 published decisions out of 710 terminations)	41.4% (273 published decisions out of 659 terminations)	37.2% (250 published decisions out of 672 terminations)

NOTE: The statistics and time periods on this page are from the Table B-5 & S-3 of the AO's *Federal Judicial Workload Statistics*. These figures are for dispositions in lead cases only. "Terminated on the merits" includes orders by the Special Panel, judgments and opinions.

United States
DISTRICT Court

Report of Chief Judge Norma Holloway Johnson

The United States District Court for the District of Columbia has welcomed two new judges since our last report. The Honorable Richard W. Roberts, who served as the Chief, Criminal Section, in the Civil Rights Division of the U.S. Department of Justice, was sworn in as a United States District Judge on July 31, 1998. On October 26, 1999, the Honorable Ellen Segal Huvelle was appointed by President Clinton and took her oath of office on January 12, 2000. She had served as an Associate Judge of the Superior Court for the District of Columbia since 1990. Magistrate Judge Alan Kay was reappointed to a second term in September 1999.

The District Court has witnessed many significant changes the past two years. The Honorable John Garrett Penn, after more than eighteen years as an active judge, including five years as Chief Judge, assumed senior status on March 31, 1998. On February 12, 1999, the Honorable Stanley Sporkin assumed senior status after serving more than fourteen years as an active judge. In January 2000, he resigned.

The Honorable Harold H. Greene, following a long illness, retired in late 1999 after more than twenty years on the federal bench. On January 29, 2000, he departed this life. Judge Greene will be long remembered for his commitment to due process, the rule of law, and the independence of the judiciary. On February 27, 2000, the Honorable Aubrey E. Robinson, Jr., died suddenly. For more than thirty years, he demonstrated extraordinary leadership not only in the performance of his duties but also in the administration of the federal judiciary. His service as Chief Judge for ten years was the highlight of his long, dedicated, and outstanding judicial career. On July 9, 1999, the District Court experienced a great loss in the death of the Honorable Oliver Gasch. Judge Gasch began his service to this Court on August 16, 1965, and for over thirty years, honored the community with his friendship, love of justice, and wisdom.

On July 31, 1998, Ms. Wilma A. Lewis, appointed United States Attorney by President Clinton, took her oath of office in the Ceremonial Courtroom. Prior to this appointment, she had served as the Inspector General of the U.S. Department of the Interior. At an earlier time, Ms. Lewis had served in the Office of the United States Attorney as a line Assistant, an Assistant Chief, and a Deputy Chief of the Civil Division.

Secretary of State Madeleine Albright and her sister, Mrs. Kathy Silva, renewed their oaths of allegiance to the United States at a November 10, 1998, naturalization ceremony. Secretary Albright, the featured speaker for the ceremony, marked the fiftieth anniversary of her arrival in the United States from Czechoslovakia.

In January 1999, the District Court voted to amend its jury plan to include additional sources of names to the Master Jury List. The additional sources selected were income tax records, individuals receiving public assistance, and individuals who have recently become citizens of the District of Columbia.

In February 1999, the District Court installed a new telephone and telecommunications system to replace an outdated system lacking capacity for expansion. Benefits of the new telecommunications system include caller identification and six-person conference calling.

On April 27, 1999, the District Court participated in a national observance of "Law Day." Two District of Columbia high schools, Banneker and Maret, were invited to the Thurgood Marshall Federal Judiciary Building to participate in a novel program designed to provide high school seniors with early exposure to jury service, to educate them on its importance, and to increase their appreciation of civic responsibility. The program, entitled, *Celebrate Your Freedom: The Importance of Jury Service to an Independent Judi-*

ciary, was sponsored by the Administrative Office of the United States Courts and the American Judicature Society. The program consisted of a mock trial that was broadcast via satellite over the closed-circuit Federal Judiciary Television Network to approximately two hundred federal courthouses. Students were asked to reach a verdict following the trial and were able to discuss their observations in a panel discussion with a local federal prosecutor and a federal public defender.

On October 27, 1999, the District Court participated in a national program for federal judges and journalists designed to improve communications between the federal judiciary and the media. The program, *Justice and Journalism: A Conference on the Federal Courts and the News Media*, was sponsored by the Judicial Branch of the Judicial Conference of the United States and The First Amendment Center. Over thirty judges and journalists from around the country with diverse viewpoints and differing philosophies attended.

On December 17, 1999, the District Court hosted the first *Program of the Law & Science Academy*, sponsored by the Einstein Institute for Science, Health and the Courts. The program, *Human Destiny, Genes and the Environment*, acquainted the judiciary with cutting edge developments and issues in complex, novel, scientific, technical and clinical evidence.

From October to December, 1999, the District Court embarked on a series of internal conversations with respect to jury issues entitled, *A Conversation Among Colleagues*. The lunch meetings provided opportunities for judges to informally discuss jury issues as they relate to managing jury trials.

The District Court continues to be a nationwide leader in court operations. In early 1999, the District Court was chosen to participate in a pilot program to provide nationwide simultaneous and consecutive interpreting services for short matters. In March 1999, the District Court was one of six test sites that began full implementation of a new automated Jury Management System (JMS). The JMS allows the Jury Office to send jury panels to courtrooms more expeditiously and produce historical reports based on case types to assist judges in determining the number of jurors needed to empanel a jury. In October 1999, the District Court was chosen as one of five courts to assist the Administrative Office in defining and developing the Case Management/Electronic Case Files Project. The project is the judiciary's effort to replace its aging case management systems and will enable courts to create electronic case files and implement electronic filing over the Internet.

Since our last biennial report, the number of civil case filings increased in 1998 by 1.6 percent and increased by 8.8 percent in 1999. Criminal case filings decreased by 11.3 percent in 1998 and decreased by 5.3 percent in 1999. For the United States Bankruptcy Court, case filings increased by fourteen percent in 1998 and decreased by six percent in 1999.

The growth the District Court has experienced within the past two years in the areas of court operations and automation and technology has been truly extraordinary. Led by 13 active and seven senior judges, and three full-time magistrate judges, the productivity and enthusiasm of the District Court remain high. We are fortunate to have so many gifted and devoted individuals who each fulfill integral roles in daily court operations. The new century promises a world defined by virtual instant communications, enormous quantities of information, and rapid technological changes. Together, we are prepared to embrace the many challenges of the new millennium.

Norma Holloway Johnson
Chief Judge
U.S. District Court

United states district court for the district of columbia

NORMA HOLLOWAY JOHNSON



Chief Judge Johnson was appointed to the United States District Court in May 1980 and became Chief Judge on July 22, 1997. She received a J.D. in 1962 from Georgetown University Law Center and a B.S. in 1955 from the University of the District of Columbia. Chief Judge Johnson served as a trial attorney in the Civil Division, U.S. Department of Justice, from 1963 to 1967, and as an Assistant Corporation Counsel for the District of Columbia from 1967 to 1970. In October 1970, she was appointed Associate Judge of the Superior Court of the District of Columbia where she served until her appointment to the federal bench.

THOMAS PENFIELD JACKSON



Judge Jackson was appointed United States District Judge for the District of Columbia in June 1982. He graduated from Dartmouth College in 1958 and Harvard Law School in 1964. Between college and law school, he served as an officer in the U.S. Navy. Prior to his appointment to the federal bench, Judge Jackson practiced law for 18 years, primarily as a civil litigator. At the time of his appointment to the court, Judge Jackson was serving as President of the Bar Association of the District of Columbia.

THOMAS F. HOGAN



Judge Hogan was appointed to the United States District Court in August 1982. He graduated from Georgetown University, receiving an A.B. (classical) in 1960. He attended George Washington University's masters program in American and English literature from 1960 to 1962, and he graduated from the Georgetown University Law Center in 1966, where he was the St. Thomas More Fellow. Following law school, Judge Hogan clerked for Judge William B. Jones of the U.S. District Court for the District of Columbia from 1966 to 1967. He served as counsel to the National Commission for the Reform of Federal Criminal Laws from 1967 to 1968, and was engaged in private practice from 1968 to 1982. He has been an adjunct professor of law at the Georgetown University Law Center and a Master of the Prettyman-Leventhal Inn of Court. He is a member of the Executive Committee of the District Court, Chair of the Courtroom Technology Subcommittee and serves on the Board of the Federal Judicial Center.

ROYCE C. LAMBERTH



Judge Lamberth received his appointment to the United States District Court for the District of Columbia in November 1987. He was appointed Presiding Judge of the U.S. Foreign Intelligence Surveillance Court in May 1995 by Chief Justice Rehnquist. Judge Lamberth graduated from the University of Texas and from the University of Texas School of Law, receiving an LL.B. in 1967. He served as a Captain in the Judge Advocate General's Corps of the United States Army from 1968 to 1974, including one year in Vietnam. After that, he became an Assistant United States Attorney for the District of Columbia. In 1978, Judge Lamberth became Chief of the Civil Division of the U.S. Attorney's Office, a position he held until his appointment to the federal bench.

GLADYS KESSLER



Judge Kessler was appointed to the United States District Court for the District of Columbia in July 1994. She received a B.A. from Cornell University and an LL.B. from Harvard Law School. Following graduation, Judge Kessler was employed by the National Labor Relations Board, served as Legislative Assistant to a U.S. Senator and a U.S. Congressman, worked for the New York City Board of Education, and then opened a public interest law firm. In June 1977, she was appointed Associate Judge of the Superior Court of the District of Columbia. From 1981 to 1985, Judge Kessler served as Presiding Judge of the Family Division and was a major architect of one of the nation's first Multi-Door Courthouses. She served as President of the National Association of Women Judges and now serves on the Executive Committee of the ABA's Conference of Federal Trial Judges and the U.S. Judicial Conference's Committee on Court Administration and Management.

PAUL L. FRIEDMAN



Judge Friedman was appointed United States District Judge in August 1994. He graduated from Cornell University in 1965 and received a J.D. from the School of Law of the State University of New York at Buffalo in 1968. Following law school, Judge Friedman clerked for Judge Aubrey E. Robinson, Jr., of the U.S. District Court for the District of Columbia and for Judge Roger Robb of the U.S. Court of Appeals for the District of Columbia Circuit. He served as an Assistant United States Attorney for the District of Columbia from 1970 to 1974, and as an Assistant to the Solicitor General of the United States from 1974 to 1976. Judge Friedman practiced law as an associate and partner with White & Case from 1976 until 1994. He served as President of the District of Columbia Bar from 1986 to 1987, and as Associate Independent Counsel for the Iran-Contra Investigation from 1987 to 1988. He is a member of the Council of the American Law Institute.

RICARDO M. URBINA



Judge Urbina was appointed to the United States District Court in July 1994. He received a B.A. in 1967 from Georgetown University and graduated from the Georgetown University Law Center in 1970. He served as staff attorney for the D.C. Public Defender Service from 1970 to 1972 and then entered private practice. From 1974 to 1981 he taught at Howard University Law School and directed the University's Criminal Justice Program. He was appointed Associate Judge of the Superior Court of the District of Columbia in April 1981, and served as Presiding Judge of the Court's Family Division from 1985 to 1988.

EMMET G. SULLIVAN



Judge Sullivan was appointed United States District Judge for the District of Columbia in July 1994. He received a B.A. in 1968 from Howard University and a J.D. in 1971 from the Howard University School of Law. Following law school, Judge Sullivan was a Reginald Heber Smith Fellow from 1971 to 1972. Thereafter, he clerked for Judge James A. Washington, Jr., of the Superior Court of the District of Columbia. From 1973 to 1984, Judge Sullivan served as an associate and partner at the firm of Houston & Gardner, and its successor, Houston, Sullivan & Gardner. He was appointed to the Superior Court of the District of Columbia in October 1984 and served in every division of that court, including positions as Deputy and Presiding Judge of the Probate and Tax Divisions. In November 1991, he was appointed to the District of Columbia Court of Appeals where he served until his appointment to the federal bench. Judge Sullivan is a member of the U.S. Judicial Conference's Committee on Criminal Law.

JAMES ROBERTSON

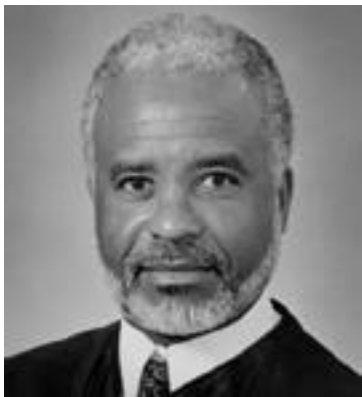


Judge Robertson was appointed United States District Judge in December 1994. He graduated from Princeton University in 1959 and received an LL.B. from George Washington University Law School in 1965 after serving in the U.S. Navy. From 1965 to 1969, he was in private practice with the law firm of Wilmer, Cutler & Pickering. From 1969 to 1972, Judge Robertson served with the Lawyers' Committee for Civil Rights Under Law, as chief counsel of the Committee's litigation offices in Jackson, Mississippi, and as director in Washington, D.C. Judge Robertson then returned to private practice with Wilmer, Cutler & Pickering, where he practiced until his appointment to the federal bench. While in private practice, he served as president of the District of Columbia Bar, co-chair of the Lawyers' Committee for Civil Rights Under Law, and president of the Southern Africa Legal Services and Legal Education Project, Inc.

COLLEEN KOLLAR-KOTELLY



Judge Kollar-Kotelly was appointed to the United States District Court in May 1997. She received a B.A. in 1965 from The Catholic University of America and a J.D. in 1968 from Columbus School of Law, The Catholic University of America. Following law school, she served as law clerk to Judge Catherine B. Kelly of the District of Columbia Court of Appeals. From 1969 to 1972, Judge Kollar-Kotelly was an attorney in the Criminal Division of the U.S. Department of Justice and then served as the chief legal counsel to Saint Elizabeths Hospital until 1984. She was appointed Associate Judge of the D.C. Superior Court in October 1984, and served as Deputy Presiding Judge of the Criminal Division from 1995 until her appointment to the federal bench. Judge Kollar-Kotelly has been a Fellow of the American Bar Association, a founding member of the Thurgood Marshall Inn of Court, an adjunct professor at Georgetown University School of Medicine in a joint teaching program on mental health and the law, and chair of the Board of the Art Trust for Superior Court.



HENRY H. KENNEDY, JR.

Judge Kennedy was appointed to the U.S. District Court in September 1997. He graduated from Princeton University in 1970 and received a J.D. from Harvard Law School in 1973. Following graduation, he worked for a short time for the law firm of Reavis, Pogue, Neal and Rose, then served as an Assistant United States Attorney for the District of Columbia from 1973 to 1976. From 1976 to 1979 he served as a United States Magistrate for the United States District Court for the District of Columbia. In December 1979, he was appointed Associate Judge of the Superior Court of the District of Columbia, where he served until his appointment to the federal bench.

RICHARD W. ROBERTS



Judge Roberts was appointed to the U.S. District Court in July 1998. He graduated *cum laude* from Vassar College (1974) and received an M.I.A. from the School for International Training (1978) and a J.D. from Columbia University (1978). Prior to his appointment to the bench, Judge Roberts served for three years as Chief of the Criminal Section in the Civil Rights Division of the U.S. Department of Justice. Previously, Judge Roberts was the Principal Assistant U.S. Attorney for the District of Columbia. In prior posts, Judge Roberts served as an Assistant U.S. Attorney for the Southern District of New York, an associate with Covington & Burling, and a trial attorney in the Criminal Section in the Civil Rights Division of the U.S. Department of Justice.

ELLEN SEGAL HUVELLE



Judge Huvelle was appointed United States District Judge in October 1999. She completed her undergraduate studies at Wellesley College and received a Masters in City Planning from Yale University. In 1975, she received a J.D. from Boston College Law School, graduating *magna cum laude*. Following law school, Judge Huvelle served as law clerk to Chief Justice Edward F. Hennessey of the Massachusetts Supreme Judicial Court. In October 1976, Judge Huvelle joined Williams & Connolly and became a partner in 1984. In 1990, Judge Huvelle became an Associate Judge of the Superior Court of the District of Columbia. On the bench of the Superior Court, Judge Huvelle served in the Criminal, Civil and Family Divisions. An experienced litigator, Judge Huvelle has served as an instructor in Trial Advocacy at the University of Virginia Law School and as a member of the Visiting Faculty at Harvard Law School's Trial Advocacy Workshop. She is a Fellow of the American Bar Foundation and a member of the Edward Bennett Williams Inn of Court.

Senior Judges

WILLIAM B. BRYANT



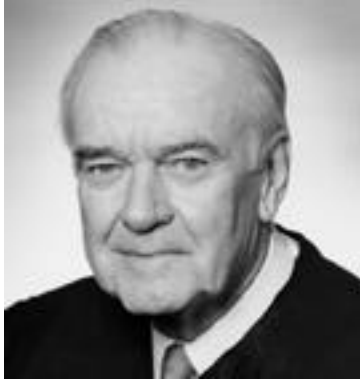
Judge Bryant was appointed to the United States District Court in August 1965 and took senior status in January 1982. He served as Chief Judge from March 1977 to September 1981. He graduated from Howard University, receiving an A.B. in 1932, and from Howard University Law School, receiving an LL.B. in 1936. Judge Bryant served in the U.S. Army from 1943 to 1947. He was an Assistant U.S. Attorney for the District of Columbia from 1951 to 1954. From 1954 until his appointment to the bench, Judge Bryant was engaged in private practice.

JUNE L. GREEN



Judge Green was appointed to the United States District Court for the District of Columbia in June 1968 and took senior status in January 1984. She graduated from Washington College of Law, American University, receiving a J.D. in 1941. She was engaged in the private practice of law in Maryland and the District of Columbia for 25 years prior to her appointment to the bench.

THOMAS A. FLANNERY



Judge Flannery was appointed United States District Judge in December 1971. He received an LL.B. from Columbus University Law School, now part of The Catholic University of America, in 1940. Judge Flannery served in the U.S. Air Force as a combat intelligence officer from 1942 to 1945. He was in private practice and served in the Department of Justice from 1945 to 1950. He was an Assistant U.S. Attorney for the District of Columbia from 1950 until 1961. Judge Flannery was a partner in the law firm of Hamilton & Hamilton from 1961 to 1969, when he was named U.S. Attorney for the District of Columbia, a position he held until his appointment to the court.

LOUIS F. OBERDORFER



Judge Oberdorfer was appointed to the United States District Court in October 1977. He graduated from Dartmouth College in 1939 and received an LL.B. from Yale Law School in 1946 after four years of military service. Judge Oberdorfer was law clerk to Justice Hugo L. Black during the 1946 term of the U.S. Supreme Court. He was in private practice from 1947 until he became Assistant Attorney General, Tax Division, Department of Justice, in 1961. He returned to private practice in 1965. When appointed to the bench, Judge Oberdorfer was a partner at Wilmer, Cutler & Pickering. He has served as Co-Chairman of the Lawyers' Committee for Civil Rights Under Law, a member of the Advisory Committee on the Federal Rules of Civil Procedure, Chief Executive Officer of the Legal Services Corporation, and President of the D.C. Bar.

JOHN GARRETT PENN



Judge Penn was appointed United States District Judge for the District of Columbia in March 1979 and served as Chief Judge from March 1992 until July 1997. He graduated from the University of Massachusetts with an A.B. in 1954 and received an LL.B. from the Boston University School of Law in 1957. He attended the Woodrow Wilson School of International & Public Affairs at Princeton University from 1967 to 1968, where he was a National Institute of Public Affairs Fellow, and later attended the National Judicial College, University of Nevada. He served in the U.S. Army, Judge Advocate General's Corps, from 1958 to 1961. Judge Penn served as a Trial Attorney, Reviewer, and Assistant Chief of the General Litigation Section, Tax Division, Department of Justice, from 1961 to 1970, and as an Associate Judge of the Superior Court of the District of Columbia from 1970 to 1979.

JOYCE HENS GREEN



Judge Green was appointed United States District Judge for the District of Columbia in May 1979. She was a member of the U.S. Foreign Intelligence Surveillance Court from May 1988 until her seven-year term expired in May 1995, and served as its Presiding Judge from May 1990 until the expiration of her term. Judge Green graduated from the University of Maryland, receiving a B.A. in 1949, and the George Washington University Law School, receiving a J.D. in 1951. Judge Green practiced law in the District of Columbia and Virginia until she was appointed Associate Judge of the Superior Court of the District of Columbia in 1968, where she served until her appointment to the federal bench in 1979. She is a member of the U.S. Judicial Conference's Judicial Branch Committee and Chair (1997-98), National Conference of Federal Trial Judges. Judge Green took senior status in July 1995.

STANLEY S. HARRIS



Judge Harris was appointed United States District Judge for the District of Columbia in November 1983 and took senior status in February 1996. He attended the Virginia Polytechnic Institute in 1945 and graduated from the University of Virginia with a B.S. in 1951 and an LL.B. in 1953. He served in the U.S. Army from 1945 to 1947. Judge Harris served as an associate and partner at Hogan & Hartson from 1953 to 1970. He was appointed to the D.C. Superior Court in 1971 and served until 1972 when he was appointed to the District of Columbia Court of Appeals. Judge Harris left the Court in 1982 to become United States Attorney for the District of Columbia, where he served until his appointment to the United States District Court in 1983.

STANLEY SPORKIN



Judge Sporkin was sworn in as United States District Judge for the District of Columbia in February 1986. He received a B.A. in 1953 from Pennsylvania State University and graduated from Yale Law School in 1957. He is also a Certified Public Accountant. Judge Sporkin clerked for three years for a federal District Judge in Delaware, and then entered private practice. In 1961, he joined the Securities and Exchange Commission and practiced with the Commission for 20 years, serving as Chief of the Enforcement Division for seven years. From 1981 to 1986, he served as General Counsel of the Central Intelligence Agency. Judge Sporkin retired from the court in January 2000.

Magistrate Judges

DEBORAH A. ROBINSON



Magistrate Judge Robinson was sworn in as United States Magistrate Judge on July 18, 1988. She is a graduate of Morgan State University and Emory University School of Law. Magistrate Judge Robinson clerked for Chief Judge H. Carl Moultrie I of the Superior Court of the District of Columbia from 1978 to 1979. Following her clerkship, she joined the United States Attorney's Office for the District of Columbia, where she served for eight years prior to her appointment.

ALAN KAY



Magistrate Judge Kay was appointed a United States Magistrate Judge in September 1991. He is a graduate of George Washington University, receiving a B.A. in 1957 and a J.D. from its National Law Center in 1959. Magistrate Judge Kay clerked for U.S. District Judges Alexander Holtzoff and William B. Jones. He was an attorney with the Public Defender Service and served in the U.S. Attorney's Office. From 1967 until his appointment, he was in private practice in the District of Columbia.

JOHN M. FACCIOLA



Magistrate Judge Facciola was appointed a United States Magistrate Judge in August 1997. He received an A.B. in 1966 from the College of the Holy Cross and a J.D. in 1969 from the Georgetown University Law Center. Following law school, Magistrate Judge Facciola served as an Assistant District Attorney in Manhattan from 1969 to 1973 and was in private practice in the District of Columbia from 1974 to 1982. He joined the U.S. Attorney's Office in 1982 and served as Chief of the Special Proceedings section from 1989 until his appointment as Magistrate Judge. Magistrate Judge Facciola is an adjunct professor of law at Catholic University. He is a fellow of the American Bar Foundation and a member of the Board of Governors of the John Carroll Society.

Office of the Clerk of the district court



Nancy Mayer-Whittington
Clerk of Court

The mission of the Clerk's Office is to provide courteous and efficient service to the court, the bar, and the public. The Clerk's Office has 74 employees and is divided into four divisions: Operations, Administrative Services, Systems, and the Office of the Clerk.

The Operations Division plays a major role in the operation of the court and consists of five judicial support units, the criminal unit, and the files/intake unit. The judicial support units are self-directed work teams comprised of courtroom deputies and docket clerks. Each unit provides complete support — courtroom coverage, case management, and docketing — to a small group of judicial officers associated with that unit. The criminal unit processes and docketes all matters related to criminal cases. The files/intake unit oversees all aspects of records management and processes all civil matters submitted for filing.

Administrative Services has broad responsibilities and plays a significant role in providing nonjudicial administrative support to the court. Eight distinct functions are included in the mission of Administrative Services: attorney admissions, finance, jury, property and procurement, budget, space and facilities, interpreting services, and liaison to the court reporters.

The Systems Office provides automation support to the court and the Clerk's Office. The Systems Office is responsible for maintaining the court's docketing and case management database system and supporting the court's local area network and all personal computers assigned to district court judges, chambers staff and Clerk's Office staff.

The Office of the Clerk includes the Clerk of Court and her assistant, the human resource manager and her assistant, the training coordinator, and one management analyst. This office provides staff support to the judges' committees and many of the court-appointed advisory committees. The Office of the Clerk also designs and implements a wide variety of special projects at the request of the court.

u n i t e d s t a t e s p r o b a t i o n o f f i c e



Richard A. Houck, Jr.
Chief U.S. Probation Officer

The Probation Office serves the U.S. District Court for the District of Columbia by performing presentence investigations to assist district judges in the choice of appropriate sentences for criminal defendants and by supervising the activities of persons conditionally released to the community.

The Probation Office is currently staffed with 51 probation officers and 29 support personnel.

The office plays a critical role in the sentencing of criminal defendants by preparing presentence investigation reports and providing sentencing guidelines calculations. Probation Officers gather and compile information related to the history and characteristics of a defendant, including prior criminal record, financial status, circumstances affecting the defendant's behavior helpful to sentencing or correctional treatment, classification of the offense and the defendant under the

categories established by the U.S. Sentencing Commission, and victim impact statements.

Probation Officers also serve as officers of the United States District Court and as agents of the United States Parole Commission for purposes of supervising the activities of persons sentenced to probation, supervised release, or parole. Specialists administer contracts for services (or deliver services) for drug, alcohol, and mental health treatment; HIV/AIDS counseling; a sanctions center; electronic monitoring of offenders; employment counseling; education and vocational assistance; and services for "special offenders." The mission of the office is to faithfully execute each offender's sentence, to control any risk posed by persons under its supervision, and to promote law-abiding behavior.

In 1998 and 1999, the Probation Office continued to increase its efforts to provide the highest quality, professional service to the court. Enhancements to the automation and telecommunications systems, the hiring of highly qualified staff, and increased training opportunities have helped move the office toward this goal. The office utilizes progressive strategies such as flexible work schedules and telecommuting options to assist its staff in meeting office goals and responsibilities with increased efficiency and effectiveness.

court reporters



Beverly Byrne
Court Reporting Supervisor

The primary duties of the court reporters are to record court proceedings and to produce verbatim transcripts of the proceedings when required. By statute, rule or order of the court, reporters must accurately report all court sessions and other proceedings because all U.S. District Courts are courts of record.

Proceedings recorded under this section include all proceedings in criminal, civil and other cases held in open court. 28 U.S.C. § 753.

At the close of 1999, the District Court employed 14 full-time reporters, the full complement authorized for the D.C. Circuit. The staff reporters serve all active judges, senior judges, and magistrate judges of the District Court. By custom in this district, each reporter is assigned to one active judge or senior judge. When the assigned judge is not engaged in court proceedings, the reporter's services may be utilized by another judge.

While official court reporters are employees of the court, their position is unique. They receive an annual salary but are the only court employees who must furnish their own supplies and equipment. However, the reporters may charge and collect fees for certain work performed in the course of their official duties. While transcripts prepared for official court records are provided to the court free of charge, reporters may collect fees for preparing transcripts at the request of parties. The fees for this service are established by the U.S. Judicial Conference.

Before being hired, all district court reporters must pass a vigorous three-part reporting test and a general knowledge written examination. They are also required to hold a Certificate of Proficiency from their reporting association. In addition, the two reporting associations, the National Court Reporters Association and the National Stenomask Verbatim Reporters Association, require, as a condition of membership, a prescribed level of continuing education to enhance a reporter's skills.

The court reporters assist the judges of the District Court by providing them with verbatim transcripts on an expedited basis. They read back prior testimony and work closely with chambers' staffs and the courtroom deputies to ensure that court proceedings are accurately recorded.

U.S. district Court Advisory Committees

The United States District Court has established nine committees, composed of members of the bench, the bar and court staff, to assist in its administrative efforts.

Advisory Committee on Local Rules

Rule 83 of Title 28 of the United States Code permits each district to adopt local rules consistent with the Federal Rules. The court's Advisory Committee on Local Rules was formed in 1973 to provide expert advice to the court as local rules are promulgated and changed. The committee, which is composed of local practitioners, also receives and submits comments to the court on proposed rule changes. The current members of the Advisory Committee on Local Rules are:

John D. Aldock, Chair
Robert J. Higgins
Alfred Irving
Tonia Powell
Grace E. Speights
Wendell W. Webster
Greg Hughes, <i>ex officio</i>
Judge Paul L. Friedman, Liaison

Advisory Committee on Non-Appropriated Funds

Local Rules governing membership in the bar of the District Court require the payment of a small fee upon an attorney's initial admission and at the time of each subsequent triennial renewal. The fees are used, in part, to defray the cost of keeping the court's register of attorneys current. Any balance is held in trust by the Clerk of Court. The funds are spent from time to time, with the approval of the court, primarily for the benefit of bench and bar. The current members of the Advisory Committee on Non-Appropriated Funds are:

Thomas Abbenante
Devarieste Curry
Christopher Davis
Darryl W. Jackson
Bettina Lawton
Lynn C. Leibovitz
Nancy Mayer-Whittington, <i>Trustee</i>
Elizabeth Paret, <i>ex officio</i>
Judge Thomas Penfield Jackson, Liaison

Criminal Justice Act Panel Selection Committee

Pursuant to the Criminal Justice Act of 1964, 18 U.S.C. § 3006A (as amended), the judges of the United States District Court for the District of Columbia have adopted a plan to provide lawyers to defendants who are financially unable to obtain adequate representation. The CJA Panel Selection Committee reviews the qualifications of private attorneys who are eligible and willing to provide representation under the Criminal Justice Act and recommends the best qualified to the court. The current members of the CJA Panel Selection Committee are:

Judge Gladys Kessler, Chair
Magistrate Judge Deborah A. Robinson
Francis D. Carter
A.J. Kramer
R. Stan Mortenson

Advisory Committee on Pro Se Litigation

Pursuant to the provisions of Local Civil Rule 83.11, the Advisory Committee on Pro Se Litigation oversees the 137 volunteer members of the Civil Pro Bono Panel. Panel members represent *pro se* parties who are proceeding *in forma pauperis* in civil actions and cannot obtain counsel by any other means. In 1998, the court made 71 assignments to members of the panel; in 1999, 93 assignments were made. The current members of the Advisory Committee on Pro Se Litigation are:

Eugene R. Fidell, Chair		
Avis Buchanan	Dwight D. Murray	John Risher
Lovida H. Coleman, Jr.	W. Mark Nebeker	Michelle Roberts
Ivan K. Fong	Rob Okun	Jeffrey D. Robinson
Sharon Cummings Giles	Alan A. Pemberton	Sidney R. Smith III
Karen T. Grisez	Anthony T. Pierce	Maureen Thornton Syracuse
Christopher J. Herrling	John Relman	Donald Thigpen, Jr.
Eric Lotke		John C. Yang
Carol Freeman, <i>ex officio</i>		
Addie Hailstorks, <i>ex officio</i>		
Michael Zoeller, <i>ex officio</i>		
Judge Gladys Kessler, Liaison		

Committee on Grievances

Pursuant to Local Civil Rule 83.14 and Local Criminal Rule 57.25, the court's Committee on Grievances is charged with receiving, investigating, considering and acting upon complaints against members of the bar of the District Court that may involve disbarment, suspension, censure, reinstatement or other disciplinary actions. The committee receives complaints from judges, members of the bar and litigants. The committee is appointed by the court, and membership is rotated after a period of service. The current members of the Committee on Grievances are:

Joseph E. diGenova, Chair
Pamela B. Stuart, Vice Chair

A. Scott Bolden
Richard L. Cys
Laurel Pyke Malson
Stuart H. Newberger
Robert Rigsby
Joseph N. Alexander, Jr., Clerk

Judge Paul L. Friedman, Liaison

Rule 711 Counseling Panel

The Rule 711 Counseling Panel receives referrals from District Court judges of attorneys who exhibit a deficiency in performance. Upon referral, an attorney may receive counseling from a panel member on matters relating to litigation practice, ethics or possible substance abuse problems. The provisions of former Rule 711 are now contained in Local Civil Rule 83.14 and Local Criminal Rule 57.25. The current members of the Rule 711 Counseling Panel are:

Beverly J. Burke, Chair

Maureen Duignan
Karen Hardwick
Robert E. Jordan III
Kim M. Keenan
Anthony T. Pierce

Judge Paul L. Friedman, Liaison

Committee on Courtroom Technology

The Committee on Courtroom Technology was created in January 1998. The mission of the committee is threefold: to oversee the operation, maintenance and upgrade of existing courtroom technology, including the electronic courtrooms, the video-conferencing systems, the mobile evidence presentation systems and the courtroom sound systems; to design and retrofit additional courtrooms with the full array of next-generation courtroom technology; and to make recommendations regarding the integration of courtroom technology into the annex design. Committee members are appointed by the Chief Judge and work under the auspices of the District Court Automation Policy Committee. The current members of the Committee on Courtroom Technology are:

Judge Thomas F. Hogan, Chair

Judge Colleen Kollar-Kotelly

Judge Richard W. Roberts

Jack H. Olender

Joan H. Strand

Donald Thigpen, Jr.

Marguerite Willis

Elizabeth Paret

John Cramer

Two temporary committees also assisted the District Court
with administrative matters during 1998 and 1999.

Civil Justice reform committee

The Civil Justice Reform Committee was established in 1994 as an outgrowth of the Civil Justice Reform Act Advisory Group. The committee worked with the court to review and assess the implementation of the expense and delay reduction plan for the court. The committee concluded its work in 1999. The members of the Civil Justice Reform Committee were:

Stephen A. Saltzburg, Chair

John D. Bates

Jane Lang

Judith A. Miller

Dwight D. Murray

Elizabeth Paret, *ex officio*

Judge Paul L. Friedman, Liaison

merit selection panel
for the reappointment of magistrate judges

In 1999 a Merit Selection Panel for the Reappointment of Magistrate Judges was established to consider the reappointment of Magistrate Judge Alan Kay. After considering comments received from members of the bar and the public, as well as pertinent information regarding Judge Kay's character, judgment, legal ability, temperament and commitment to equal justice under law, the panel recommended reappointment. The members of the Merit Selection Panel were:

Charles E. Epps, M.D. Chauncey Fortt, Ph.D. Ronald C. Jessamy, Sr. A.J. Kramer Michelle A. Roberts Joseph Sellers Jacob Stein

U.S. district Court Work load Information

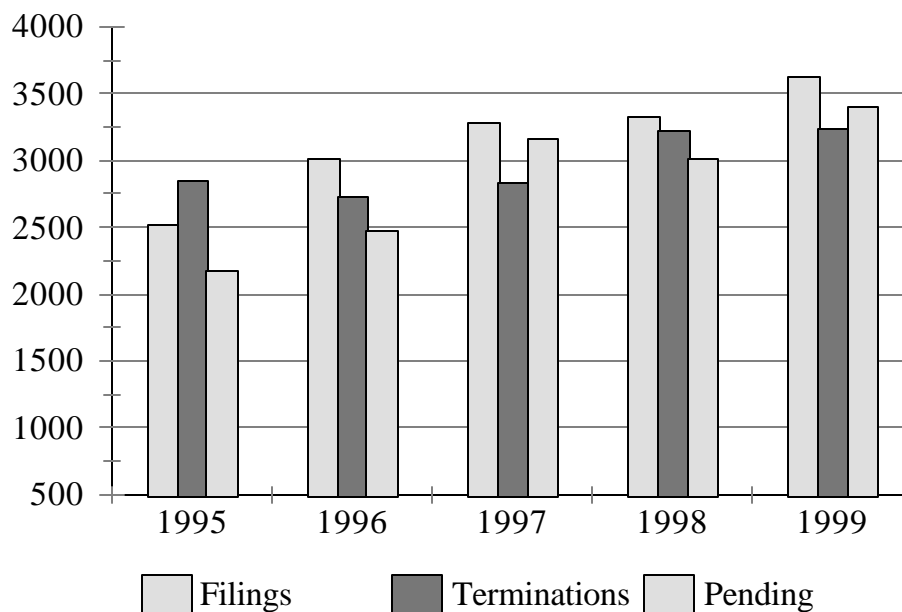
Case load Summary all cases 1997-1999

Following an eight percent increase in 1997, the number of District Court filings remained stable in 1998. In 1999, case filings rose seven percent to 4,055. This was due to a nine percent rise in civil case filings.

	1997	1998	Change	1999	Change
Filings	3,790	3,785	-0.1%	4,055	7.1%
Terminations	3,368	3,666	8.8%	3,645	-0.6%
Pending	3,159	3,278	3.8%	3,687	12.5%

Case load Summary civil cases 1995-1999

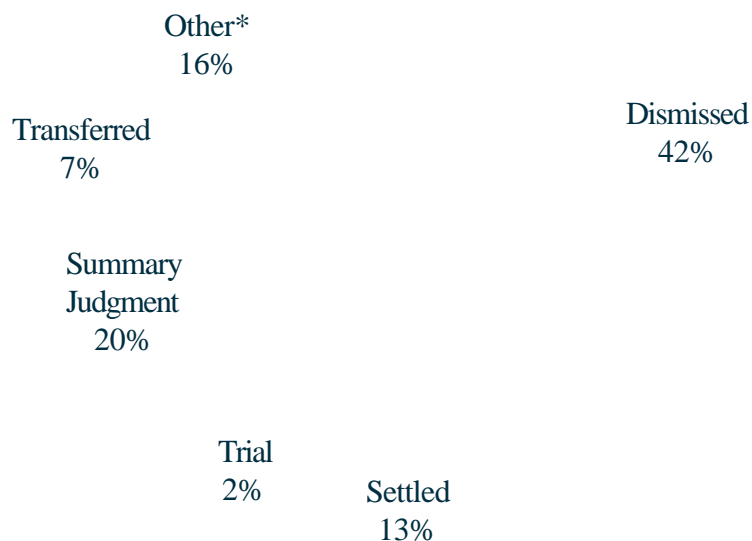
Civil case filings increased by more than 20 percent between 1995 and 1996, due in large measure to an increase in petitions filed following the U.S. Supreme Court decision in *Bailey v. United States*. After rising another nine percent in 1997, civil case filings leveled off in 1998 and then rose by almost nine percent in 1999. The increase in civil filings from 1998 to 1999 was the result of a rise in prisoner petitioner cases from 528 to 779 and in student loan cases from 533 to 743. These increases were somewhat offset by a drop in filings in the “other statutory actions” category from 396 to 199.



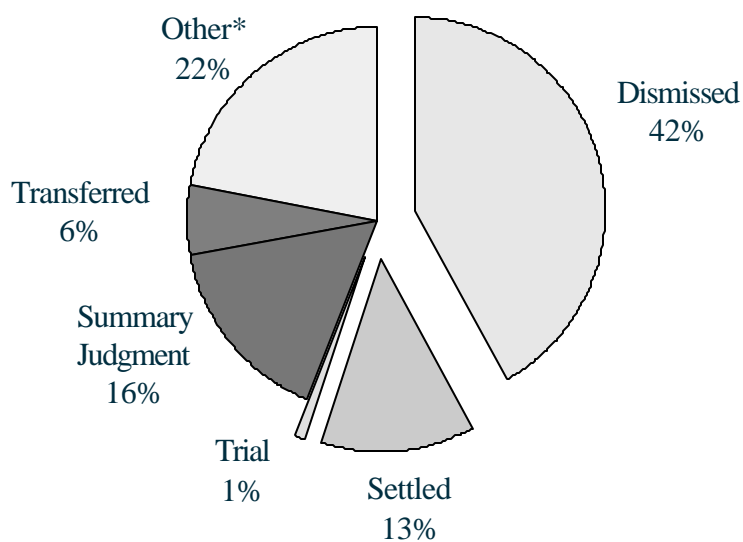
civil Case terminations

As in previous years, more than 40 percent of all 1998 and 1999 civil cases were terminated by dismissal. The percentage of cases terminated by settlement and by trial also remained relatively constant.

1998:



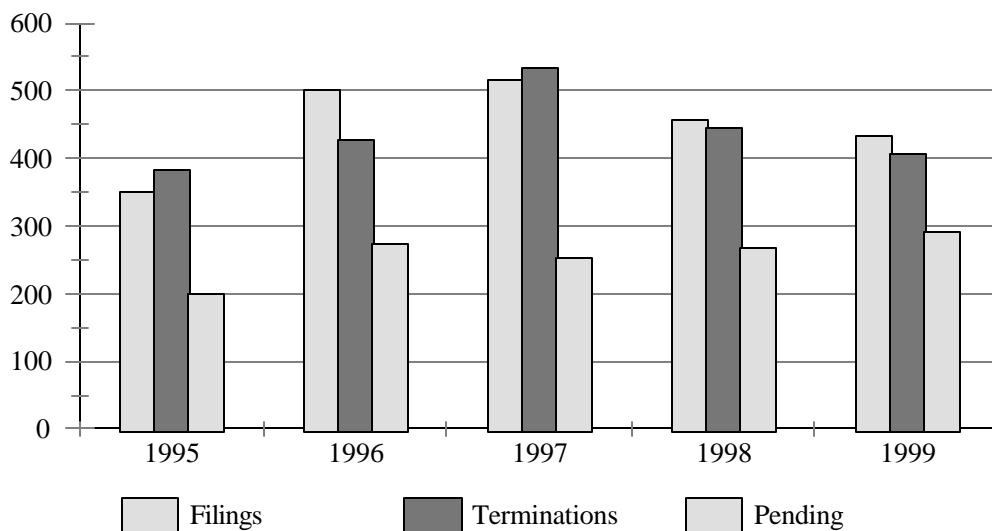
1999:



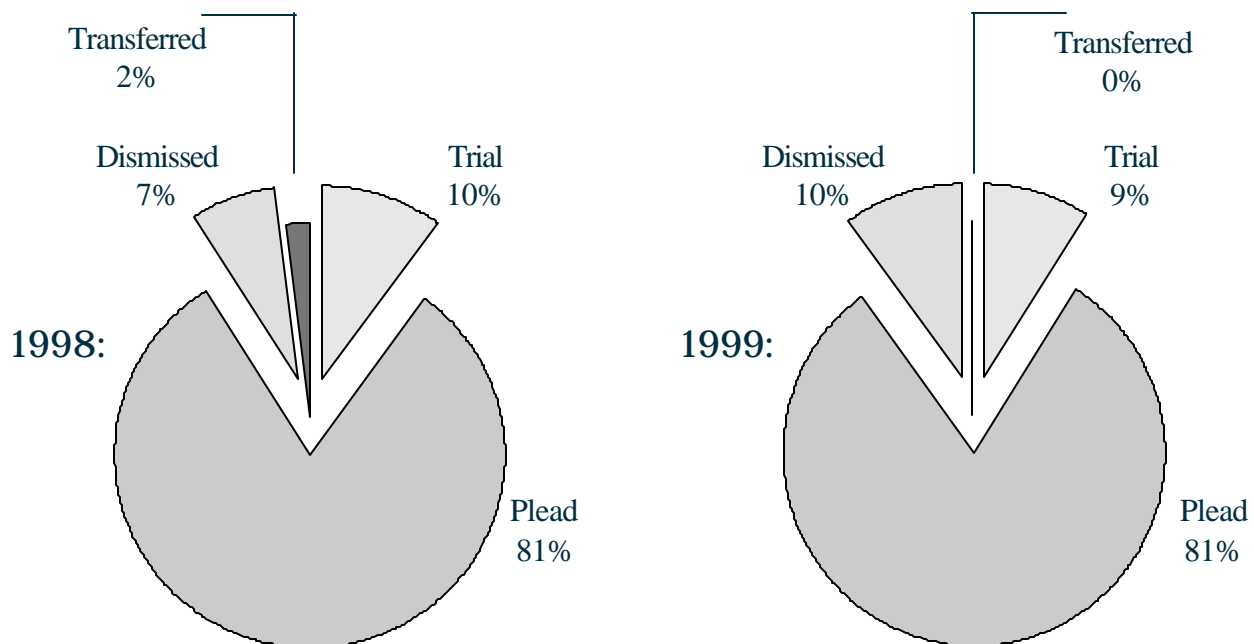
* "Other" terminations include judgment on default, consent judgment and other judgments.

Case load Summary criminal cases 1995-1999

After leveling off in 1997, criminal case filings decreased in 1998 and 1999. A total of 457 criminal cases were filed in 1998, and 433 were filed in 1999.



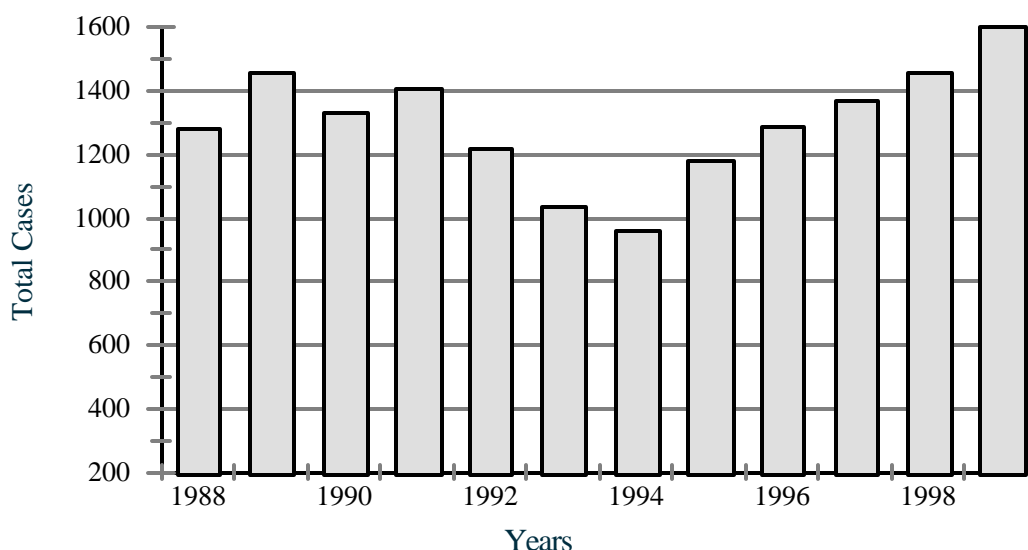
Criminal Case Terminations



U.S. PROBATION OFFICE WORK LOAD information

The current supervision case load of the Probation Office is comprised of individuals placed on probation and post-incarceration supervised release by the District Court, as well as persons released to community supervision by the United States Parole Commission. In addition, since August of 1998, the office has, pursuant to the D.C. Revitalization Act, been responsible for supervising all individuals who were sentenced in the District of Columbia Superior Court and incarcerated in a federal Bureau of Prisons facility at the time of parole.

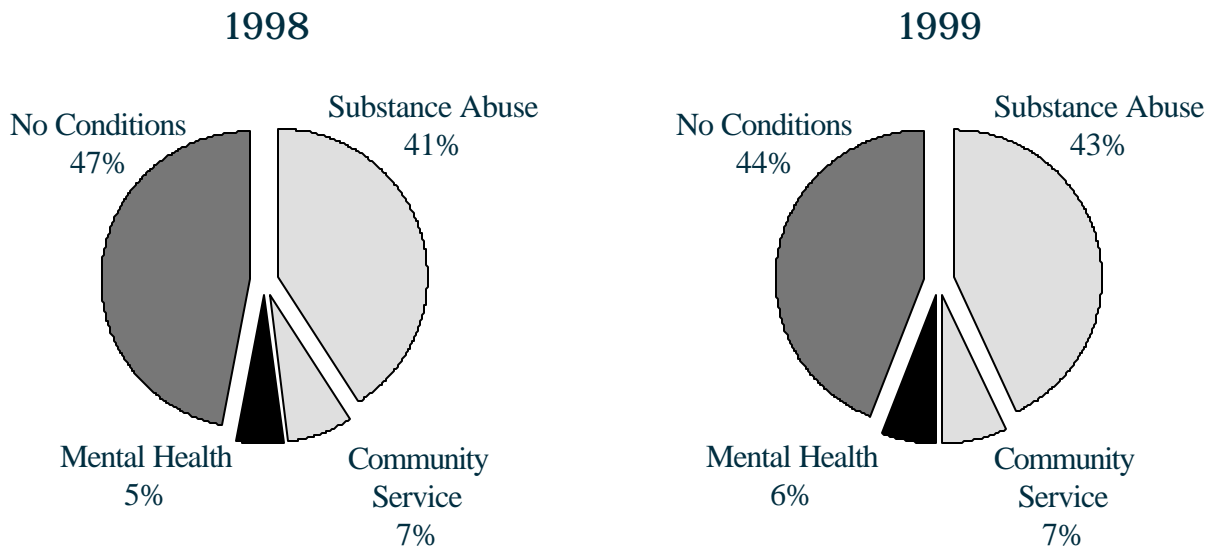
Supervision Cases 1988-1999



A significant portion of the increase in supervision cases in 1998 and 1999 is directly attributable to the D.C. Revitalization Act. Prior to 1998 the number of parole cases in the office had dwindled to about 100 — the result of the abolition of parole at the federal level by the Sentencing Reform Act of 1984. Under the Revitalization Act, the number of cases involving parolees nearly tripled over a two-year period. Several other factors have also contributed to the steady increase in the supervision caseload since 1995. First, the office now supervises offenders sentenced by the District Court who reside in the local suburbs. Second, there has been a shift in the type of cases prosecuted in federal court: fewer have mandatory minimums and, as a result, a greater proportion of the individuals who are convicted are eligible for supervision by the Probation Office. Finally, in 1997, the Probation Office began to supervise a small number of pretrial defendants released by the U.S. District Courts for the Eastern District of Virginia (Alexandria) and the District of Maryland but residing in the District of Columbia.

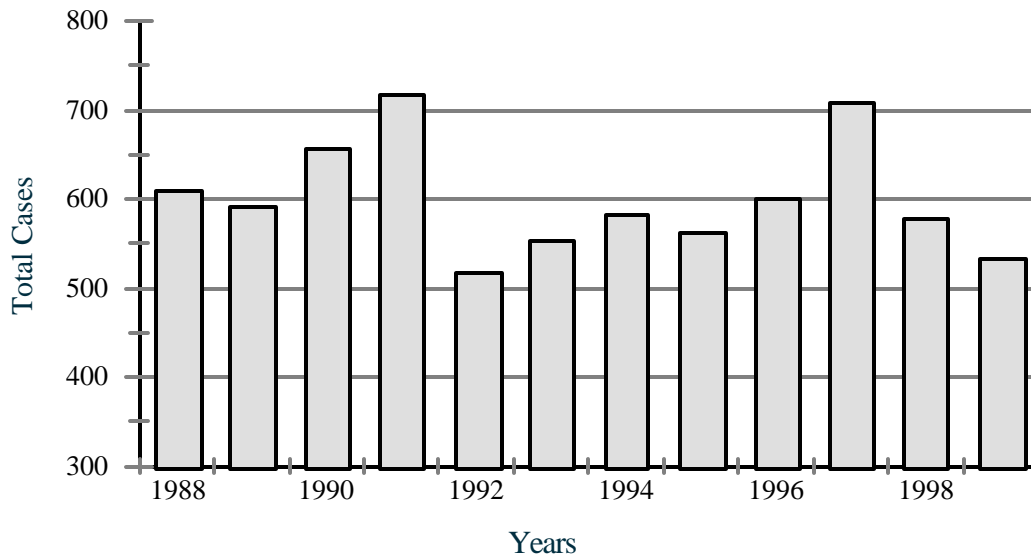
Supervision Cases With Special Conditions 1998-1999

In 1998 and 1999 the number of cases involving substance abuse and mental-health treatment conditions rose slightly over 1997 numbers, while cases involving community service as a condition of supervision remained constant. The increase in the former is directly attributable to the increase in cases originating from the D.C. Superior Court under the D.C. Revitalization Act. Currently, over 40 percent of the cases in the Probation Office have special conditions for drug treatment — an unusually high proportion among federal courts of a similar size in urban settings. While the office is no longer receiving D.C. Superior Court cases in large numbers, it continues to supervise a significant group of these offenders.



Presentence Reports 1998-1999

The production of presentence reports represents a significant portion of the work of the Probation Office. The reports are used by judges in structuring sentences and by the Bureau of Prisons in determining the appropriate classification and correctional facility assignment for offenders. In 1998 and 1999, the number of presentence reports prepared by the office decreased by nineteen and nine percent respectively. This was a result of a decrease in remands pursuant to the U.S. Supreme Court decision in *Bailey v. United States*, a decrease in large multi-defendant cases, and a change in the United States Attorney's guidelines for prosecuting narcotics cases.



United States
bankruptcy Court

United States Bankruptcy Court for the District of Columbia



S. MARTIN TEEL, JR.

Judge Teel was appointed to the Bankruptcy Court in February 1988. He is a graduate of the University of Virginia, receiving a B.A. in economics in 1967 and a J.D. in 1970. Following law school, Judge Teel served as a law clerk to Judge Roger Robb of the U.S. Court of Appeals for the District of Columbia Circuit. In 1971, Judge Teel joined the Tax Division of the Department of Justice where he served as an Assistant Chief of the Civil Trial Section from 1982 until his appointment to the Bankruptcy Court.

Office of the Clerk of the Bankruptcy Court



Denise Curtis
Clerk of Court

The Office of the Clerk of the Bankruptcy Court is responsible for the overall efficiency and accuracy of records and information processed in the court. The Clerk's Office also serves the judiciary, bar and public by managing the case files and documents filed with the court. The

Clerk's Office is re-

sponsible for accepting documents, collecting appropriate fees, scheduling cases, providing courtroom coverage, responding to inquiries, and providing notice of landmark events to creditors.

The Clerk's Office is organized into three areas: administration, automation, and operations. The administrative area is responsible for finance, procurement, property management, personnel, and management of the court's budget. The adminis-

trative division also handles statistical reports, training, and special projects.

The automation division develops and oversees the court's information systems, including the local area network, telecommunications, and the national case management systems. The automation division also supports quality control and training initiatives and prepares statistical and ad hoc reports.

The operations area is divided into three sections: intake, case administration, and courtroom services. The intake section receives and screens new cases and documents, answers public inquiries and requests, and acts as a liaison to the public and bar. This section also enters data related to case openings and handles records. The case administration section is responsible for docketing and case management, including docketing pleadings, noticing parties, setting hearings, tracking deadlines, and managing the flow of bankruptcy cases. The operations section handles courtroom services and records court proceedings, handles exhibits, manages the judge's calendar, and serves as liaison to chambers regarding calendaring and case management issues.

U.S. bankruptcy Court Advisory Committee

Advisory Committee on Local Bankruptcy Rules

Rule 83 of Title 28 of the United States Code permits each district to adopt local rules consistent with the Federal Rules. The court's Advisory Committee on Local Bankruptcy Rules was formed in 1985 to provide expert advice to the court as local rules are promulgated and changed. The committee, which is composed of local practitioners and U.S. Trustees, also acts as a vehicle for the receipt and submission to the court of comments on proposed rule changes. The current members of the Advisory Committee on Local Bankruptcy Rules are:

Paul D. Pearlstein, Chair

Marc E. Albert

Stephen J. Csontos

Francis P. Dicello

Mary Joanne Dowd

Dennis J. Early

David Lynn

Kevin R. McCarthy

Cynthia A. Niklas

William Douglas White

Daria J. Zane

Judge S. Martin Teel, Jr., Liaison

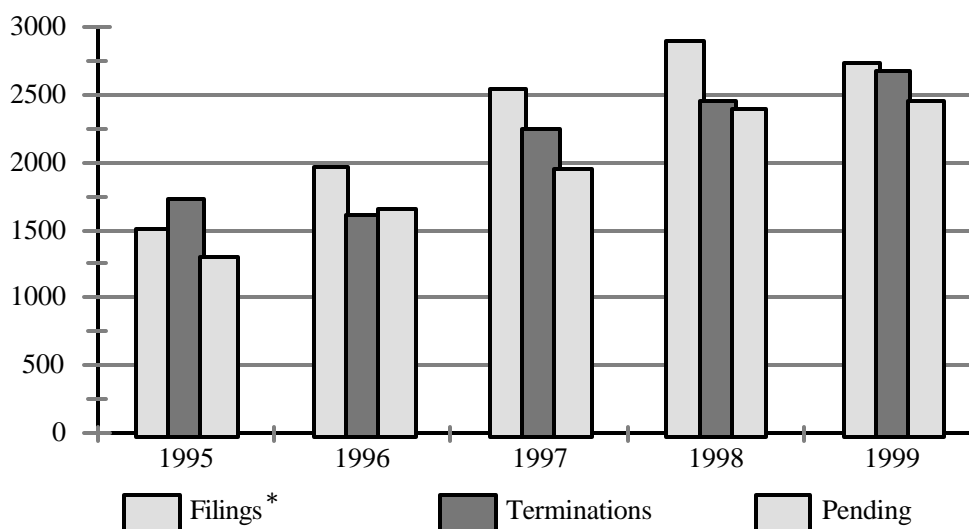
U.S. bankruptcy Court Work load Information

Following a 29 percent increase in 1997, bankruptcy case filings increased again in 1998 by 14 percent. In 1999, filings decreased by six percent. Consistent with previous years, the percentage of business filings remained at three percent in both 1998 and 1999.

Case load Summary 1997-1999

	1997	1998	Change	1999	Change
Filings*	2539	2893	14%	2730	-6%
Terminations	2243	2452	9%	2666	9%
Pending	1950	2391	23%	2455	3%

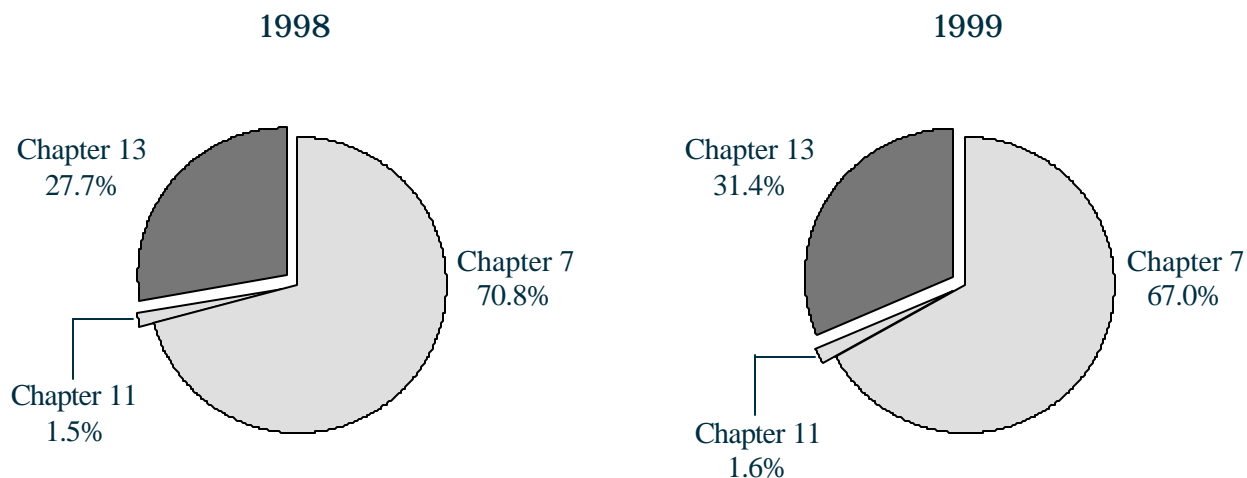
Case load Summary 1995-1999



* Figures include reopened cases.

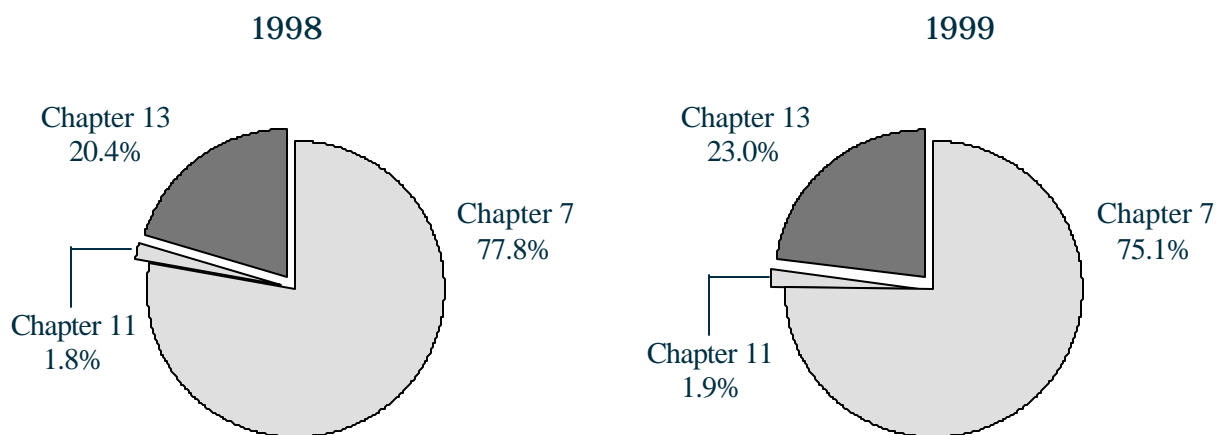
Composition of filings

The composition of cases filed in 1998 and 1999 remained consistent with previous years. Of the 2,893 cases filed in 1998: 2,051 were filed under Chapter 7; 42 were Chapter 11 filings ; and 800 were Chapter 13 filings. In 1999, 2,730 cases were filed: 1,828 under Chapter 7; 44 under Chapter 11; and 858 under Chapter 13.



bankruptcy case terminations

The total number of bankruptcy cases terminated increased by nine percent in both 1998 and 1999. Of the 2,452 cases closed in 1998, 1,908 cases were Chapter 7, 44 cases were Chapter 11 and 500 cases were Chapter 13. In 1999, 2,666 cases were closed: 2,004 were Chapter 7; 50 were Chapter 11; and 612 were Chapter 13.



Pending bankruptcy cases

As in previous years, of the 2,391 cases pending at the end of 1998 and the 2,455 cases pending at the end of 1999, more than half were Chapter 13 (1,437 in 1998 and 1,683 in 1999). The bulk of the remaining pending cases, 838 in 1998 and 662 in 1999, were Chapter 7.

